

ORDER BELOW EXH.12**(RCS No. 206/2022)**

Present application filed by Defendants for condonation of delay for filing written statement and permission to file it.

2) Perused application and say filed thereon. In the application, it is contended that, Defendants did not get necessary documents within time which are necessary to file his written statement, hence, defendant did not file written statement within stipulated time. Delay is not intentional. Therefore, defendants prayed for condonation of delay to file written statement with permission to file the same. In the say, the plaintiff contended that the grounds mentioned in the application are not true and correct. Therefore, plaintiff prayed to pass necessary order be passed.

3) Heard Ld. Advocate for the defendant and the plaintiff. They have submitted as per their contentions in the application and say.

4) Perused Record. Present suit is filed for possession and injunction. From the record, it appears that "No Written Statement" has not passed against present defendant. Defendant has shown sufficient cause for not filing written statement within limitation. To decide matter on merit and to felicitate just decision of the case, written statement of the defendant is also necessary. Therefore, considering the nature of the suit, facts, circumstances, grounds mentioned in the application, in the interest of justice, and for proper adjudication of the present suit this court is of the opinion that written statement of the defendant is necessary hence, delay needs to be condoned and permission needs to be given to defendant for filing a written statement. At the same time delay to file written statement

cannot be ignored, this delay can be compensated by imposing cost of Rs. 200/- on defendants. Therefore, I pass the following order:

ORDER

- 1 Application (Exh.12) is allowed subject to cost of Rs.200/-.
- 2 Delay to file written statement is hereby condoned and defendant is permitted to file a Written Statement on record.

Place: Shevgoan

Date: - 12.01.2023

Sd/-

(Monali A. Bendre)
2nd Jt. Civil Judge Jr. Division,
Shevgaon.