

CNR No : MHAH190009292024



RCS No. 262/2024

Vikram Haribhau Jaware Vs
Uddhav Haribhau Jaware

ORDER BELOW EXH.30

Present application filed by Defendant No. 1 for condonation of delay for filing written statement and permission to file it.

02) Perused application and say filed thereon. In the application, it is contended that, Defendant No. 1's wife was ill, necessary documents to file written statement were not available with him. Hence, this defendant has not filed written statement within stipulated time. Therefore, the defendant prayed for condonation of delay to file written statement with permission to file the same. In the say, the plaintiff contended that, application is not legal. Further contended that, sufficient opportunity was given to the defendant to file his written statement. The grounds mentioned in the application are not true and correct. defendant No. 1 is intentionally prolonging the matter. Therefore, the plaintiff prayed for rejection of the application.

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

04) Perused Record. From the record, it appears that the suit is filed for perpetual injunction. It also shows that, "No Written Statement" order has not been passed against the present defendant. Defendant has shown sufficient cause for not filing a

written statement within limitation. To decide the matter on merit and to felicitate the just decision of the case, written statement 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 defendants 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 defendant No. 1. Therefore, I pass the following order:

ORDER

1. Application (Exh. 30) is allowed subject to cost of Rs.200/-.
2. Delay to file a written statement is hereby condoned and the defendant No. 1 is permitted to file a Written Statement on record.

Place: Shevgoan

Date:- 02.04.2025

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