

ORDER BELOW EXH.22

(RCS No. 401/2022)

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Present application filed by Defendant No.2 for condonation of delay for filing written statement and permission to file it. Application is supported with an affidavit.

2) Perused application and say filed thereon. In the application, it is contended that due to unavailability of documents defendant did not file written statement within time. Therefore, defendant 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. Defendant has not properly explained delay. Grounds mentioned in the application are not legal. Defendant is trying to prolong the matter. Therefore, the plaintiff prayed for rejection of the application and alternatively prayed for cost.

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 partition and separate possession against defendants. From the record, it appears that “No Written Statement” order has not passed against present defendant. 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 saddling cost of Rs. 200/- on defendant. Therefore, I pass the following order:

ORDER

- 1 Application (Exh.22) 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

Sd/-

Date: - 21.02.2023

(Monali A. Bendre)

2nd Jt. Civil Judge Jr. Division,
Shevgaon.

