

(CNR No. MHAH-20-000568-2020)

**ORDER BELOW EXH.15 IN REG.C.S NO. 133 of 2020.
Balasaheb Walake + 4 Vs. Jalinder Walake + 3.**

1. This an application filed by defendant No.1 to 4 for condonation of delay to file Written Statement/Say on record and setting aside No W.S. Order.

2. It is contention of the defendants that, plaintiff has filed present suit for measurement, fixation of boundary marks, declaration and possession, against the defendants. They received the suit summons however, due to non-availability of relevant documents and information, they could not file Written Statement, within time, so there is delay to file written statement on record. There is no deliberate delay. Hence, lastly they prayed to allow this application.

3. The plaintiffs have strongly objected the application by filing their say and submitted that, there is deliberate delay to file written statement to prolong the matter. No sufficient reasons mentioned in the application. Lastly plaintiffs prayed to reject the application. Heard both the sides.

4. It is not disputed that, there is delay to file written statement on record for defendant No.1 to 4. Moreover, suit is for measurement, fixation of boundary marks, declaration and possession in respect of immovable property. Considering the reasons mentioned

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in the application and to decide the matter on merit and interest of justice. I pass following order.

ORDER..

1. The application at Exh.15, is hereby allowed.
2. The delay for filing the Say/Written Statement on record for defendant No.1 to 4 is condoned.
3. The No W.S. Order passed below Exh.1 is hereby set-aside and defendant No. 1 to 4 are permitted to file their Written Statement on record.

Date : 20/03/2020.

Sd/- x x x
(S.S. Deshmukh)
Civil Judge (J.D.)
Pathardi.