

Order below Exh. 28 in R.C.S.No. 201/2016

(CNR No. MHAH 20-000719-2016)

(Rashid Vs. Arun)

1. This is an application filed by the defendant no. 8 and 9. It is contended that on 28-11-2016 the suit was fixed for filing written statement. However, the application for condoning the delay was not supported with affidavit. Consequently their application will be rejected. Hence through this application defendants prayed to accept their written statement by condoning delay.

2. The plaintiff objected by filing say. As per plaintiff the application is not tenable. It shall be rejected with cost.

3. Heard the respective learned advocates. Perused the application and say.

4. To decide the matter on merit, and to avoid the multiplicity of litigation, it is necessary to avail the opportunity to file the written statement. If the opportunity denied, it may cause prejudice to them. Even more, the material rights of the defendants in respect of immovable property are involved in the matter. The grievance of the plaintiff may be compensated by saddling cost. Hence, following order.

ORDER

- 1) Application is hereby allowed subject to cost of Rs.500/- (Rs. Five hundred only).
- 2) After payment of cost w.s. shall be read and recorded.

Date : 09/02/2018

Place : Pathardi

(J. P. Sarpate)

Jt. Civil Judge, J.D., Pathardi