

(CNR No. MHAH-20-0000749-2021)

**ORDER BELOW EXH.13 IN REG.C.S NO. 115 of 2021.
Subhash Mane + 1 Vs. Sunil Salve + 7.**

1. This an application filed by defendant No.1 for condonation of delay to file Written Statement/Say on record.

2. It is contention of defendant No.1 that, plaintiffs have filed present suit for measurement, fixation of boundary marks and recovery of possession of encroached portion, against the defendants in respect of suit properties. They received the suit summons however, due to non-availability of relevant documents and some technical problem, he could not file Written Statement, within time, so there is delay to file written statement on record. There is no deliberate delay. Hence, lastly he 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. Sufficient and reasonable opportunity was given to defendant No.1 to file W.S. on record but, he failed. 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. Defendant No.1 has appeared on 16/08/2021. Moreover, suit is for measurement, fixation of

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boundary marks and recovery of possession of encroached portion, in respect of immovable properties. Considering the reasons mentioned in the application and to decide the matter on merit and interest of justice. I pass following order.

ORDER..

1. Application at Exh.13, is hereby allowed subject to cost of Rs.100/-.
2. The delay for filing the Say/Written Statement on record for defendant No.1 is condoned and permitted to file his Written Statement on record.

Sd/- x x x

(A.S. Birajdar)
Civil Judge (J.D.),
Pathardi.

Date : 08/12/2021.