

( CNR No. MHAH-20-000788-2019)

**ORDER BELOW EXH.18 IN REG.C.S NO. 151 of 2019.  
Ashrabai Ghule Vs. Bhagwan Ghule + 14.**

1. This an application filed by defendant No.1, 3 and 4 for condonation of delay to file written statement/say on record.

2. It is contention of defendants that, plaintiff has filed present suit for measurement, fixation of boundary marks, and possession of encroached portion, against the defendants. They received the suit summons however, due to un-availibility 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 plaintiff has strongly objected the application by filing her say and submitted that, application is not within limitation. There is deliberate delay to file written statement to prolong the matter. Lastly plaintiff prayed to reject the application with costs.

4. It is not disputed that there is delay to file written statement on record for defendant No.1, 3 and 4. Moreover suit is for measurement, fixation of boundary marks and possession of encroached portion in respect of immovable property. Considering the reasons mentioned in the application and to decide the matter on merit and interest of justice. I pass following order.

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**ORDER.**

1. The application at Exh.18, is hereby allowed.
2. The delay for filing the Say/Written Statement on record for defendant No.1, 3 & 4 is condoned.

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

Date : 20/11/2019.