



ORDER BELOW EXH.17 IN R.C.S. NO.252/2021
(Yash Gorakh Temgire and another Vs. Jagannath Jaywant Temgire & others)

1] The present application moved by the defendant No.1 and 5 for condonation of delay caused for filing their written statement.

2] It is the contention of the defendant No.1 and 5 that, they have received summons. But, defendant were out of station for work. Also, due to spreading of covid-19 virus and illness of defendant no.1, they have failed to appear and file written statement within time. Hence, defendant no.1 & 5 prayed to condone the delay caused for filing their written-statement.

3] The plaintiffs have abjected the present application by stating that, the application is not true and not legal. Contentions made in the application are bogus. In the application there appears signature of defendant no.2. Therefore, it is not clear by which defendant said application was preferred. There is no any documentary evidence filed on record about illness of defendant no.1. Hence, prayed for rejection of this application and if application is allowed, cost of Rs.10,000/- be imposed on defendant no.1 & 5.

4] Heard both the sides and perused application and say. Considering the facts and circumstances, it appears that the reason put-forth by the defendants cannot be disbelieved. Considering the nature of the suit, opportunity should be given to the defendant no.1 & 5 to raise their defence.

It is clearly mentioned in the application that, it is filed on behalf of defendant no.1 & 5. Defendant no.2 was appeared suo moto before this Court on 08/12/2022. Therefore, in order to decide the matter on merits and to avoid the multiplicity of proceedings, it is necessary to give fair chance to the defendant no.1 & 5. Hence, in the interest of justice, delay to file written-statement of defendant no.1 & 5 is condoned. Hence, I proceed to pass following order.

-: O R D E R :-

The application (Exh. No.17) is hereby allowed and delay to file written-statement of defendant no.1 & 5 is hereby condoned.

Shrigonda.
Date : 29/03/2022.

(Smt. S. G. Jadhav)
Jt. Civil Judge Junior Division,
Shrigonda.

CERTIFICATE

“I affirms that the contents of this PDF file order are same word for word, as per the original order.”

Name of the Steno : Smt. S. V. Jadhav
Name of the Court : **Smt. S. G. Jadhav,**
: Jt. Civil Judge J. D.& J.M.F.C., Shrigonda.
Date of order : 29/03/2022.
Order signed by PO on : 29/03/2022.
Order uploaded on : 29/03/2022.