



**ORDER BELOW EXH.17 IN R.C.S. NO.349/2017**  
**(Ajay Laxman Mahadik and another Vs. Vijay Laxman Mahadik and another)**

1] The present application is moved by the defendant No.1 and 2 for condonation of delay and for setting-aside no W.S order passed against them.

2] It is the contention of the defendants that, due to illness of father and mother of defendant No.1, they have failed to filed their written statement within prescribed period of limitation. Thereafter mother of defendant No.1 was died on 05.03.2019. Also, father of defendant No.1 is suffering from serious illness. Therefore, they have failed to filed their written statement within time. As the suit in respect of perpetual injunction with regard to immovable properties, above defendants should be given fair chance to defend their case. Further submitted that, if No W.S order is not set aside, it will affect on merits of the case. Hence prayed for condonation of delay and for setting No W.S order.

3] The plaintiffs have filed their say on the last page of this application through their advocate. They stated that, contents of this application are not true and correct. Therefore, prayed for rejection of

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this application with cost.

4] Considering the facts and circumstances, the reasons shown by the defendants for causing delay found to be genuine. But the delay is caused for filing written-statement is not in dispute. But, plaintiffs should be compensated for the same. The plaintiffs will not cause any prejudice, if the present application is allowed. Therefore, in view of the above discussion, in order to avoid multiplicity of the proceeding and in the interest of the justice, fair chance be given to the defendants on payment of costs to the plaintiffs. In the result, I pass following order.

**-: O R D E R :-**

1. The application (Exh.No.17) is hereby allowed on payment of costs of Rs.500/- (In words Five Hundred Only) in total payable to the plaintiffs till next date.
2. After payment of the said cost, the written-statement of the defendant No.1 and 2 be taken on record.

Shrigonda.  
Date : 27/01/2021.

**(Smt. S. G. Jadhav )**  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Shrigonda.