



ORDER BELOW EXH.47 IN R.C.S. NO.227/2014
(Haribhau Bhiva Wagh and others Vs. Vilas Prabhati Wagh and others)

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

2] It is the contention of the defendant No.2 that, he is illetrate person and due to non availability of important information and documents within time they have failed to file their written statement. Also plaintiffs have filed this suit for partition by supprasing other facts and property. 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 have stated that, contents of this application are not true and correct. The reasons mentioned in the application are not true. Defendant has intentionally filed this application to prolong the proceeding of suit. Also stated that, there is inordinate delay of 5 years. Hence, prayed for rejection of this application with compensatory cost of Rs.10,000/-.

4] Considering the facts and circumstances, the reasons shown by the defendant No.4 for causing delay found to be genuine. But the delay is caused for filing written-statement is not in dispute. But, plaintiff should be compensated for the same. As the present suit is for partition, therefore, 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 defendant No.2 on payment of costs to the plaintiffs. In the result, I pass following order.

-: O R D E R :-

1. The application (Exh.No.47) is hereby allowed on payment of costs of Rs.1,000/- (In words One Thousand Only) in total payable to the plaintiff till next date.
2. After payment of the said cost, the written-statement of the defendant No.2 for be taken on record.

Shrigonda.
Date : 20/01/2021.

(Smt. S. G. Jadhav)
2nd Jt. Civil Judge Junior Division,
Shrigonda