



ORDER BELOW EXH.13 IN RCS NO.281/2021
(CNR NO. MHAH2500 1644 2022)

The present application is filed by the applicants i.e. defendant Nos.1 & 2 for condonation of delay in filing written statement. It is the contention of applicants that, there was delay in filing written statement, as they could not make available to themselves important documents and necessary information. Hence, they prayed to take on record their written statement by condoning the delay for the above mentioned reason.

2. The plaintiff, to the said application replied and given no objection to allow the present application.

3. Heard both the sides, on perusal of the application and reply filed on the said application, it seems that, there is delay for filing written statement on part of present defendants. However, it is necessary to note that, the statutory period within which the written statement is to be filed is expired. However, by considering the dispute in hand, nature of the suit, opportunity should be given to the defendants.

4. In view of the above and for just decision of the case, it is necessary that it be decided on merits and for the same purpose it would be just proper to bring on record, the say of the applicants. A procedural prescription is to facilitate the process of justice and hence, in light of the above, opportunity should be given to applicants. But at the same time, there should not be prejudice to the

plaintiff. For that purpose, plaintiff can be compensated by imposing costs on defendants. As a result, I proceed to pass the following order.

ORDER

1. Application is allowed against applicants subject to the cost of Rs.100/- by condoning the delay.
2. Cost to be paid to the plaintiff on or before the next date.
3. After payment of the said cost, the written statement of defendants be taken on record.

Date : 06.12.2022

(Uma Y. Borade-Kapoor)
Jt. Civil Judge Junior Division,
Parner.