



ORDER BELOW EXH.20 IN RCS NO.297/2021
(CNR NO. MHAH2500 1663 2021)

The present application is filed by the applicant i.e. defendant No.6 for condonation of delay in filing written statement. It is the contention of applicant that, there was delay in filing written statement, as there was vacation to the court and civil working is closed during that period. Hence, he prayed to take on record his written statement by condoning the delay for the above mentioned reason.

2. The plaintiff, to the said application replied that the present application is not true and correct. The reason given is not cogent and proper. Therefore, he prayed to reject the application or if allowed, heavy cost be imposed to the applicant.

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 defendant. 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 defendant.

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 applicant. A procedural prescription is to facilitate the process of justice and

hence, in light of the above, opportunity should be given to applicant. But at the same time, there should not be prejudice to the plaintiff. For that purpose, plaintiff can be compensated by imposing costs on defendant. As a result, I proceed to pass the following order.

ORDER

1. Application at Exh.20 is allowed against applicant 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 present defendant be taken on record.

Date : 14.03.2023

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