



ORDER BELOW EXH. NO.12.

1. This application is filed by defendant for permission to file written statement. Defendant has filed the application on the ground that, he had filed Exhibit 10 for directing the plaintiffs to produce required documents for inspection and said application was allowed. Therefore, the defendant waited for the compliance of said order by the plaintiffs. Due to that reason, he could not file his written statement within stipulated period. The delay caused for filing written statement by defendant is caused due to the above said reason. But the defendant really wants to contest the suit.

2. Plaintiffs have filed their say on the leaf of this application. They have opposed this application by stating that, in present case the defendant had deliberately filed Exhibit 10 for killing time. Therefore, this application is not tenable, so this application is liable to be rejected with cost.

3. The suit is for specification of share and recovery of outstanding amount. Therefore, liberal view has to be taken while considering this application. The reason assigned appears to be satisfactory, the defendant had waited for the compliance on the part of plaintiffs. So, it was not possible to file the written

statement of defendant within stipulated period. Therefore, in my view, in the interest of justice it will be just and proper to grant an opportunity to the defendant to contest the suit by filing his written statement. Hence, I proceed to pass the following order.

ORDER

1. The application Exhibit 12 is allowed.
2. The delay caused for filing written statement by the defendant is hereby condoned and he is hereby allowed to file his written statement on record.
3. Costs in main cause.

Date: 25/01/2024

(Mahesh S. Kale)
Civil Judge (Sr.Dn.),
Akot.