

ORDER BELOW EXH.51

(Passed on 29-03-2025)

This is an application filed by the defendant no.5 for getting permission to file his written statement on record by condoning the delay caused for its filing.

2. In this application it is contended by the defendant no.4 that, on the fixed date of this suit the defendant no.5 could not remain present this court due to ill health. So delay is caused, but for the proper adjudication of dispute and in the interest of justice the defendant be allowed to file his written statement by condoning the delay caused for its filing.

3. The plaintiff has filed his say on the leaf of this application. He has strongly resisted this application by contending that the suit summons is served on defendant no. 5 on 05.11.2024. The application is not in limitation. The reason mentioned in this application is not proper. Therefore, this application be rejected with costs.

4. Heard respective Ld. Advocates of both sides at length. The learned Advocate of the defendant no. 5 has narrated the reason of the delay caused at length. Considering over all record it appears that, this is a suit for declaration and permanent injunction, therefore, liberal view has to be taken while deciding this application.

5. It appears that the reason mentioned by the learned Advocate of the defendant no.5 is quiet satisfactory reason. Due to said reason the defendant no. 5 was precluded from filing his written statement on fixed date of this matter. It does not appear

that he deliberately failed to file his written statement within given period. Hence, considering above aspect, for proper adjudication of dispute and for avoiding the multiplicity of proceeding the delay caused for filing the written statement by the defendant no. 5 needs to be condoned and he needs to be allowed to file his written statement as sought. Hence, I pass the following order.

ORDER

1. The application Exh.51 is hereby allowed.
2. The defendant no.5 is hereby allowed to file his written statement on record and the delay caused for filing his written statement be condoned as sought.
3. Costs in main cause.

Date : 29/03/2025.

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