

ORDER BELOW EXH.30

(Passed on 22nd day of January, 2026)

This is an application filed by the defendant for setting aside the order passed below Exh.1 on 12.03.2025 and also for getting permission to file her written statement on record by condoning the delay caused for its filing.

2. In this application it is contended by the defendant that, she is an old aged woman. So she always needs medical treatment. Due to ill health she could not file her written statement within stipulated period. So delay is caused, but for the proper adjudication of dispute and in the interest of justice the defendant be allowed to file her written statement by setting aside the order dated 12.03.2025 passed below Exh.1 and also by condoning the delay caused for its filing.

3. The plaintiff has filed his reply at Exh.35. In his reply, the plaintiff has strongly resisted this application by contending that, this application is not in limitation, there is no proper reason mentioned for the condonation of delay, so, this application be rejected with costs.

4. Heard respective Learned Advocates of both sides at length. The Learned Advocate of the defendant has narrated the reason of the delay caused at length. Considering the nature of this suit liberal view has to be taken while deciding this application.

5. Perusing the medical papers produced with list of documents Exh.34 and 38 it appears that, the reason mentioned by the Learned Advocate of the defendant is quiet satisfactory

reason. Due to said reason the defendant was precluded from filing her written statement on fixed date of this matter. It does not appear that the defendant deliberately failed to file her 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 needs to be condoned and the defendant needs to be allowed to file her written statement as sought. Hence, I pass the following order.

ORDER

1. The application Exh.30 is hereby allowed.
2. The order dated 12.03.2025 passed below Exh.1 is hereby set aside as sought and the defendant is hereby allowed to file her written statement on record and the delay caused for filing her written statement is condoned as sought.
3. Costs in main cause.

Date : 22/01/2026.

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

CERTIFICATE

I affirm that, the contents of this P.D.F. are same word for word as per original order.

Name of Stenographer. : S.M. Rothe
Court Name : Jt. Civil Judge (S.D.), Akot.
Date of order : 22.01.2026.
Signed by P.O. on : 22.01.2026.
Uploaded on : 22.01.2026.