

ORDER BELOW EXH.31 IN CIVIL M.A. 13/2016
(Asaram Vs. Ranjana)

1. Read the application and say.
2. Perused the record and proceedings.
3. Heard the Ld. Advocates for both the parties.
4. By this application, the non applicant Nos.1 to 4 have prayed to condone the delay to file their say caused due to collection of certified copies of necessary documents to file along with say, therefore, they could not file their say within stipulated period of limitation. The application is supported with the affidavit. The reason mentioned in the application is not sufficient and reasonable. However, in the application the valuable right of the parties are involved. If the present application is rejected, then possibility of multiplicity of the proceeding cannot be ruled out. Moreover, it is always desirable to decide the matter on merit after giving every opportunity to both the sides. If the present application is allowed, then no prejudice would be caused to the present applicants. However, for delay and sufferings have been caused to the applicants, non applicant Nos.1 to 4 are liable to be compensated. Under such set of circumstances, it is just and proper to allow the present application with costs. Hence, I pass the following order -

ORDER

01. The application is allowed.
02. The delay caused in filing the say by the non applicant Nos.1 to 4 is hereby condone subject to costs Rs.1000/- (Rs.One Thousand only) to be paid to other side.
03. Costs is condition precedent.

Date : 25.07.2023.

(S. S. Agrawal)
Jt. Civil Judge Junior Division.
Gangapur, Dist.Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/ Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Sanjaykumar V. Shinde
Name of the Court	S.S.Agrawal, Jt. Civil Judge Jr. Dn. & J.M.F.C., Gangapur
Judgment signed by the P.O.on	25.07.2023
Judgment uploaded on	25.07.2023