



**MHAU070023362020**

**Order passed below Exh.16 in R.C.S. No.276/2020**

[Delivered on: 20/02/2021]

Radhabai Babasaheb Ghodke

**Vs.**

Changdev Laxman Ghodke

1] The defendant has filed this application for condonation of delay to filed W.S. and Say in stipulated period. He submitted that, he could not collect the documents regarding present suit. Therefore, there is delay of 2 days to file written statement and say. It is just and necessary to accept their written statement on record to decide the suit on merit. Hence, he prayed to condonation of delay and accept the W.S. and say.

2] Plaintiff has filed say and submitted that, application be allowed subject to costs.

3] Heard learned Advocate Shri. V. J. Kasane for the defendant and learned Advocate Shri. S. K. Ambekar for the plaintiff.

4] Plaintiff has filed this suit for declaration and injunction against the defendant. Admittedly there is delay of 2 days for file w.s. and say. Considering the nature of the suit and reason made out, it is just and necessary to allow the defendant to file his written statement to decide the suit on merit. It is necessary to compensate the plaintiff for delay and inconvenience by awarding reasonable

costs. Hence, I am incline to allow the application and pass the following order.

**ORDER**

- 1) Application is allowed.
- 2) Delay for filling W.S. and Say to the defendant is hereby condoned subject to payment of costs Rs.200/- (Two Hundred Rupees Only) to plaintiff on or before next date.
- 3) The payment of costs is condition precedent for taking W.S. and Say of the defendant on the record of file of this suit.

Date :- 20<sup>th</sup> February, 2021.

(S. N. Thapekar)  
Civil Judge (Junior Division),  
Court No.3, Gangapur

**CERTIFICATE**

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

Name of the Stenographer	:	Anil B. Rathod.
Court	:	J.M.F.C. Court, Gangapur.
Order Date	:	20/02/2021.
Order signed by the Presiding Officer on	:	20/02/2021.
Order uploaded on	:	22/02/2021.