

MHAU090008292020



R.C.S. No.52/2020
Vimalbai & Anr.
V/s.
Gopinath & Ors.

ORDER BELOW EXH.16

1. By this application the Defendants are praying to condoned the delay of 49 days for filing their written statement.
2. Perused the application and affidavit filed alongwith it. It is contention of the defendants that, delay was caused due to non-availability of documents. Therefore, they could not remain present to file their written statement. Therefore, they prayed to condone the delay.
3. The plaintiffs filed their say below this application and opposed the application on the ground that, sufficient opportunity had been given to defendants and no reasonable cause is shown by the defendants to explain the delay. Therefore, they prayed to reject the application with costs.
4. Heard the learned adv for both the parties. On perusal of the application reason mentioned by the applicant regarding non-availability of documents seems a reasonable explanation. Therefore, considering the above aspect I am of the view that

liberal approach is required to be taken. No prejudice will be caused to the plaintiffs if delay is condoned. On the contrary if delay is not condoned then prejudice will be caused to the defendants. Moreover, if application is allowed then matter will be decided on merits. However, delay caused due to non filing of written statement by the defendants cannot be ignored. Therefore, I am of the view that, application required to be allowed with costs. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Delay for filing written statement is condoned subject to cost of Rs. 100/- payable to plaintiffs on or before next date.

Date: 09/02/2023

(S.R. Kanakdande)
3rd Joint C.J.J.D., Paithan.

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 Stenographer	: Sarika S. Gondre
Court	: Civil Judge Junior
Division,	(Court No.3 Paithan)
Date of order	: 09/02/2023
Order signed by the Presiding Officer on	: 09/02/2023
Order uploaded on	: 10/02/2023