

ORDER BELOW EXH. 66 IN
RCS NO. 986/2015
(Yashoda Vs. Indarrao)

1. This is the application filed by the defendant No. 6 to condone the delay and for grant of permission to file his written statement. He contended that, after attaining majority he was in person appeared in this suit but due to his illness and as he was out of station. He could not file his separate written statement within limitation period. Therefore, he prayed to condone the delay caused for filing his written statement.

2. By filing say plaintiff opposed the application contending that, the defendant No. 6 has deliberately not filed his written statement within limitation period. Therefore, plaintiff sought for rejection of this application.

4. Perused the record. This suit is filed for partition and separate possession. Defendant No. 6 Omkar Indarrao Raut was minor on the date of filing this suit. After attaining his majority summons was issued to him which was served on 05.11.2024 vide report Exh. 60. Thereafter, he appeared on 16.12.2024 but has not file his written statement within limitation period. No document is filed by the defendant No. 6 in support of his contention regarding his illness. However, considering the nature of suit I am of the view that it is necessary to give one chance to the defendant No. 6 to produce his written statement on record. The delay caused can be compensated by imposing costs. Hence, in the interest of justice I proceed to pass following order.

ORDER

1. This application is allowed on payment of cost of Rs.300/-to the plaintiff on or before next date.
2. On Payment of cost amount delay caused for filing written statement by defendant No. 6 will be condoned and he will be permitted to file his written statement on record.
3. If the defendant No. 6 fails to pay cost amount this order shall be deemed to be vacated.

Date : 29/03/2025

**(S. P.Wankhade)
Civil Judge, Junior Division,
Georai**

Certificate

I affirm that the contents of this PDF file are same word to word as per original order.

Dictated on : 29/03/2025

Transcribed on : 29/03/2025

Checked & signed on : 29/03/2025

(V. V. Mandve)
Stenographer Grade- 3
C.J.J.D & J.M.F.C., Georai.