

MHBU040007452024



Order below Exh.11
(Passed on 20.1.2025)

This is delay condonation application for filing the Reg.Civil Appeal, filed by the original plaintiff. In this application non applicant/original defendant has filed present application for permission to file reply.

2. Original applicant have resisted the application by filing reply overleaf the application. It is contended that application is not maintainable in law. There is no supporting affidavit has been filed by the parties. The application has been filed by the advocate for non applicant. Non applicant has filed present application only to prolong the matter. Hence, requested to reject the application.

3. Heard Mr.S.J.Rathi, learned advocate for non applicant as well as Mr.T.R.Hotwani, learned advocate for the applicant. Perused the application as well as say.

4. I have considered the submissions of learned advocate for both parties. I have gone through the record and proceeding of the case.

The record shows that applicant/original plaintiffs being aggrieved and dissatisfied with the impugned judgment and decree dated 26.3.2024 in Spl.Civil Suit No.19/2014 passed by the Civil Judge Senior Division, seeking condonation of delay for filing the appeal. After receiving the notice, non applicant/original defendant appeared on 19.8.2024 through S.J.Rathi advocate and sought time vide Exh.10 for filing the reply. Thereafter, matter was adjourned till 26.9.2024. Non applicant on 26.9.2024 neither filed reply, nor application for adjournment. Hence, matter posted on 6.11.2024 for filing reply by the non applicant. On 6.11.2024 non applicant has filed present application, seeking permission to file the reply on the ground of his illness. Though the applicant has resisted the application, but till today the order of no reply has been passed against non applicant. Therefore, it would be just and proper to permit the non applicant for filing reply. If he is allowed for filing the reply then, the applicant will not be prejudiced. Hence, I pass the following order :-

ORDER

Application Exh.11 is hereby allowed.

Dt.20/1/2025

(G.B.Jadhav)
District Judge-1, Khamgaon,
Dist.Buldhana.

Certificate

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

Name of Steno : Mrs.Nishat Anjum Mohd.Rafique.

Name of Court : District Judge-1, Khamgaon, Dist.Buldhana.