

**Order below Exh. 14**

This application filed by defendants for seeking permission to accept their written statement. M.E. Ladhe Ld. Advocate for plaintiff filed say overleaf the application.

2. In this application, the defendant No. 1 contended that due to delivery of his daughter and death of his father-in-law he could not file written statement within stipulated time. Accordance, the defendant No. 2 contended that due to out of station for labour work he could not file written statement within stipulated time. Lastly prayed for to accept written statement and it be read in evidence.

3. Plaintiff objected the application on the ground that defendants deliberately not file their written statement within time. Lastly, prayed for on the ground of limitation, the application be rejected and if allowed heavy cost saddled upon defendants.

4. This is suit for possession of the suit property. Suit summons duly served on defendants. Opportunities was granted time to time defendant No.2 to file written statement but he failed to file within 90 days from the service of summons. Suit is proceeding Ex-party against defendant No. 2 and without written statement against defendant No. 2

5. Sufficient reason is not produced by defendants, considering the delayed period, reason assigned by defendants is probable and justified. No doubt, delay is caused but length is

immaterial if it is explained by justified ground. Substantive justice must prevail over than procedural technicalities. Hence, in the interest of fair trial, this application deserves to be allowed. However, for the inconvenience caused to the plaintiff, need to be compensated with costs. Hence, the following order

**ORDER**

1. The application is allowed, subject to costs of Rs. 200/- (Rs. Two Hundred ) each to be paid to the plaintiff.
2. On payment of costs, written statement filed along with this application shall be read and recorded.

Dt. 19/08/2019