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Reg. Civil Suit No.190/2022  
Shivaji Vs. Tateba & Ors.

MHJN050017132022



Order below Exh.No.16  
(Passed on 11.06.2025)

- 1] By this application, the defendants No.1 and 2 are seeking permission to file Written Statement by condoning delay of 1 month and 6 days.
- 2] Read application and say. Heard both sides. Perused record of the case.
- 3] It is contended by the defendants No.1 and 2 that they are residing at Pune, therefore, they could not file their written statement within the time stipulated by law. Hence, they prayed to allow the application and condone the delay of 1 month and 6 days.
- 4] Vide say filed by the plaintiff and contended that the suitable order may be passed.
- 5] I have gone through the record, it appears that on 04.02.2025, the suit summons were served. It means from the date of service of summons, maximum period of 90 days is provided to file written statement. The defendants appeared on 27.03.2025 and they sought time to file written statement. The reason brought before the Court by the defendants is that they are residing at Pune, therefore, they could not file written statement within the time.
- 6] It is worth to mention here that the present suit is filed for

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perpetual injunction in respect of immovable property, therefore, in my considered view opportunity of hearing needs to be given to the defendants No.1 and 2. But, deliberate killing of time at the instance of defendants No.1 and 2, needs to be penalised by imposing delaying costs. Accordingly, the application is deserves to be allowed with cost. Hence, I pass the following order.

**ORDER**

- 1] The application (Exh.16) is hereby allowed and thereby the delay caused for filing written statement by the defendants No.1 and 2 is hereby condoned subject to payment of costs Rs.100/- each payable to the plaintiff.
- 2] The payment of costs is condition precedent and it should be paid on or before next date.
- 3] After payment of costs, the accompanied written statement be taken on record and it to be mark as exhibit.

Place : Partur  
Date:- 11.06.2025

**(V. B. Dombe)**  
Civil Judge (Jr. Dn.)  
**Partur.**

**CERTIFICATE**

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

Name of Stenographer : M. D. Adhe  
Name of Court : V. B. Dombe,  
Civil Judge Junior Division, Partur.  
Order dictated on : 11.06.2025  
Transcript ready on : Direct on Computer  
Order Signed by  
Presiding Officer on : 11.06.2025  
**Order uploaded on : 11.06.2025**

**(Madhav D. Adhe)**  
Stenographer (Grade-3)