

MHKO050037972025

**Regular Civil Suit No. 263/2025****Arun Sakharam Aawale****Vs.****Shankar Baburao Kumbhar****ORDER BELOW EXH. 23**

1. This is an application on behalf of the defendant Nos. 1 to 6 for condonation of delay caused for filing written statement and say.
2. According to the defendants, summons were duly served to defendant Nos. 1 to 6 on 01.08.2025. As per Limitation Act, they have to filed their written statement and say till 31.10.2025. However, due to insufficient information and documents, they are unable to file their written statement and say within limitation. Hence, delay of 04 days has been caused for filing the written statement and say. The said delay is not intentional and same may kindly be condoned.
3. The plaintiff has filed his say and taken strong objection by mentioning that, there is deliberate delay caused to filing written statement and say. No any cogent reasons stated in the present application. Hence, he prayed to reject the said application.
4. Perused the application. Heard learned advocate for the both sides.
5. If the present suit is ordered to be proceeded without written statement and say of defendant Nos. 1 to 6, they would not be in a position to set up their valid defence. The reasons cited by the defendants for the non-filing of the written statement and say within the stipulated period, as mentioned in present application are justifiable though the delay not

explained day to day. Therefore, in order to decide the real controversy between the parties, opportunity of being heard is essential to be given to the defendants. If defendants are denied to submit written statement, grave injustice would be caused to them. Therefore, due to mere technicalities, their right of being heard cannot be denied. So far as the delay in filing the written statement is concerned, the plaintiff can be compensated by way of imposing costs on defendants. The payment of said cost is a condition precedent, the defendants would be entitled to file their written statement and say if the cost paid. If costs are not paid, the benefit of this order would not favour to the defendants. Considering above facts and circumstances and in the interest of justice, I pass following order:-

ORDER

1. Present application is allowed.
2. The delay caused for filing written statement and say are hereby condoned subject to cost of Rs. 100/- (Rupees One Hundred only) payable to the plaintiff till next date. After necessary compliance, defendants nos. 1 to 6 are permitted to submit their written statement say.

Date- 03/01/2026
Ichalkaranji

(A. M. Gaikwad)
3rd Jt. Civil Judge Junior Division,
Ichalkaranji, Dist. Kolhapur.