

MHKO070009912021



REGULAR CIVIL SUIT NO. 176 / 2021

Rajesh Bagadi and ano. Vs. Bhalchandra Sasane & oth.
ORDER BELOW EXH. NO. 20 (I/A No.1/2023)

Although No Written Statement Order is not passed against defendant No. 1, vide this application defendant No. 1 has requested to condone the delay caused in filing Written Statement and giving him permission to file Written Statement. Say of plaintiff is filed overleaf the application.

02. Perused application and say. Also gone through record and proceeding. Heard learned Advocates for both sides.

03. Suit is for partition and separate possession. Valuable rights of parties are involved in the suit. Record shows that summons of this Court was sent by R.P.A.D. which was received by defendant No. 1 on 04.02.2022, whereupon he caused appearance in the court on 22.02.2022. Record further shows that this application is moved on 22.06.2022. It is thus clear that there is a delay of about one and half months for the cause. Insofar as the reasons for the delay mentioned in the application, there is not much contest raised by plaintiffs. Thus, considering these aspects and particularly in order to have fair contest of the matter and decision making on merits, I am of the view that discretion can be exercised in favour of defendant No. 1 by

saddling costs for the cause. Thus, following order.

ORDER

- 1- Application is allowed subject to cost of Rs. 500/- (Rupees Five Hundred only) to be payable to plaintiffs as condition precedent.
- 2- If the costs are not paid on or before next date, the order shall stand vacated automatically.
- 3- If the cost is paid, Written Statement filed alongwith application be taken on record and matter be kept for discussions / issues.

Dt. 07.06.2023
Jaysingpur

(Anand D. Karbhajan)
Jt. Civil Judge (Junior Division),
Jaysingpur, Tq. Shirol, Dist. Kolhapur