

MHKO110007542017



Reg. Civil Suit No.78/2017.

(CNR No.MHKO110007542017)

Order Below Exh. 74

(Hanifa Maula Naikwadi Vs Jaypal Kallappa Chougule)

The present application is made on behalf of defendants Nos.2(A) to 2(D), to condone delay caused to file their written statement on record.

02. It is the contention of the defendants Nos.2(A) to 2(D) that, the plaintiff instituted the present suit for the relief of declaration and injunction against defendants. It is further submission of the defendants Nos.2(A) to 2(D) that, due to illness of the family member it was not possible to them to file their written statement within stipulated period and hence delay was caused to file their written statement on the record. Hence, they made the present application with the prayer to condone the delay caused to file their written statement.

03. The learned advocate for the plaintiff filed his say on the leaf of the application and submitted that, reasons mentioned in the application are not proper. Defendants did not mention the valid and exact reason for their delay. Hence, he finally submitted to reject the present application. Alternatively, he prayed for heavy costs.

04. Perused the application and say thereon. Heard to both the parties.

05. The present suit is filed for the relief of declaration and injunction against defendants. Considering the relief of the plaintiff, I am of the opinion that, written statement of defendants Nos.2(A) to 2(D), is

necessary to have on record to finally decide the issues involved in the suit. So to bring on record the written statement of defendants, it will be in the interest of justice to condone the delay caused to them for filing their written statement. If permission is granted to the defendants to file their written statement, no prejudice will be caused to the plaintiff or other party to the suit.

06. On the other hand, to decide the question involved in the suit finally on the merit it is also necessary to have written statement of defendants Nos.2(A) to 2(D) on the record. As it is also settled principle of law that, while condoning the delay, Court must have liberal approach. So, in the interest of justice the present application deserves to be allowed. Hence, I proceed to pass the following order :-

ORDER.

1. Application is hereby allowed.
2. The delay caused for filing the written statement of defendants Nos.2(A) to 2(D), is hereby condoned.
3. Application is disposed off accordingly.

Date : 16/10/2025.

(S. A. Kulkarni)
Civil Judge Junior Division,
Peth-Vadgaon.