

**MHKO110021142021**



**Reg.Civil Suit No.203/2021**

(CNR No.MHKO110021142021)

**Order below Exh.13**

01. The present application is made on behalf of defendant with the prayer to condone the delay caused to him for filing their written statement.
02. Plaintiff filed his say on the leaf of the application submitting that, the reasons mentioned in the application are false and not proper. Hence he prayed to reject the application.
03. Read application and say thereon. Heard to both parties.
04. The present suit is filed for the relief of perpetual injunction. Considering the relief of the plaintiff, I am of the opinion that, written statement of defendant is necessary to have on record to finally decide the issues involved in the suit. So to bring on record the written statement of defendant, it will be in the interest of justice to condone the delay caused to him for filing his written statement. If the written statement brought on record, no prejudice will be caused to the plaintiff, as plaintiff has right to conduct the cross examination of the concerned defendant and also file his evidence affidavit by considering the written statement. Pleading of both parties is also necessary to have on record, to finally decide the suit on merit.

05. While giving the opportunity to the defendant for filing his written statement, it is also necessary to consider here that, due to inactivity on the part of the defendant for filing his written statement, hardship caused to the plaintiff. So to compensate the same hardship, it is necessary to impose the costs upon the defendant. Hence considering above discussion, I proceed to pass following order.

### **ORDER**

- 1] Application (Exh.13) is hereby allowed.
- 2] The delay of caused for filing the written statement of defendant is hereby condoned subject to costs of Rs.200/- (Rs.Two Hundred), amount of the costs be paid to the plaintiff.
- 3] Application (Exh.13) is disposed off accordingly.

Date : 18/11/2022

**( L.M. Pathan )**  
Civil Judge Junior Division,  
Peth-Vadgaon