

MHKO110022412021



Reg.Civil Suit No.226/2021

(CNR No.MHKO110022412021)

Order below Exh.18

01. The present application is made on behalf of defendant No.1 and 2 with the prayer to condone the delay caused to them for filing their written statement.

02. Plaintiffs filed their say on the leaf of the application submitting that, defendants deliberately caused delay to file the present application. Hence they prayed to reject the application. Alternatively they prayed for heavy costs, if application is allowed.

03. Read application and say thereon. Heard to both parties.

04. The present suit is filed for the relief of partition and perpetual injunction. Considering the relief of the plaintiffs, I am of the opinion that, written statement of defendant No.1 and 2 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 the written statement brought on record, no prejudice will be caused to the plaintiffs, as plaintiffs have right to conduct the cross examination of the concerned defendants and also file their 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. On perusing the record, it is seen that, only 5 to 6 days delay was caused for filing the written statement of the concerned defendants. Considering the days of delay caused for filing the written statement, I am of the opinion that, the same was negligible. So it will not in the interest of justice to impose the costs upon the defendant No.1 and 2 while giving them an opportunity to file their written statement. Hence considering above discussion, I proceed to pass following order.

ORDER

- 1] Application (Exh.18) is hereby allowed.
- 2] The delay of caused for filing the written statement of defendant No.1 and 2 is hereby condoned.
- 3] The written statement filed by the defendant No.1 and 2 be taken on record.
- 4] Application (Exh.18) is disposed off accordingly.

Date : 22/12/2022

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