

MHKO110022412021



Reg.Civil Suit No.226/2021

(CNR No.MHKO110022412021)

Order below Exh.19

01. The present application is made on behalf of defendant No.3 with the prayer to condone the delay caused to her or filing her written statement.

02. Plaintiffs filed their say on the leaf of the application submitting that, the reasons mentioned in the application are false and not proper. Hence they 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 partition and perpetual injunction. Considering the relief of the plaintiffs, I am of the opinion that, written statement of defendant No.3 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 No.3, it will be in the interest of justice to condone the delay caused to her for filing her 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 defendant 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.

05. While giving the opportunity to the defendant No.3 for filing her written statement, it is also necessary to consider here that, due to inactivity on the part of the defendant No.3 for filing her written statement, hardship caused to the plaintiffs. So to compensate the same hardship, it is necessary to impose the costs upon the defendant No.3. Hence considering above discussion, I proceed to pass following order.

ORDER

- 1] Application (Exh.19) is hereby allowed.
- 2] The delay of 10 months caused for filing the written statement of defendant No.3 is hereby condoned subject to costs of Rs.200/- (Rs.Two Hundred), amount of the costs be paid to the plaintiffs.
- 3] The written statement and say filed by the defendant No.3 be taken on record after payment of costs.
- 4] Application (Exh.19) is disposed off accordingly.

Date : 22/12/2022

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