

MHKO110024482024



Reg. Civil Suit No. 229/2024.

(CNR No.MHKO110024482024)

Order Below Exh. 32.

(Sulabha Suresh Shendage Vs Dilip Dhondiram Loalge)

The present application is made on behalf of defendant No.2, to condone delay caused to file his written statement.

02. It is the contention of the defendant no.2 that, plaintiffs have instituted the present suit for partition and declaration of the suit properties against defendants. It is further submission of the defendant no.2 that, considering the relations between himself and plaintiff, he was trying to compromise the matter with the plaintiff. Hence, it was not possible to him to file his written statement in the Court. In result, delay of 40 days was caused to him to file his written statement. Hence, he made the present application with the prayer to condone the delay caused to file his written statement.

03. The learned advocate appearing for the plaintiff filed his say on the leaf of the application submitting that, reasons mentioned in the application are not proper. Defendant no.2, deliberately caused delay to file their written statement on the record. 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 partition and declaration. Considering the relief of the plaintiff, I am of the opinion that, written statement of defendants nos.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 defendant, it will be in the interest of justice to condone the delay caused to him for filing his written statement. If permission is granted to the defendant to file his 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 defendant no.2 on the record. As it is also settled principle of law that, while condoning the delay, Court must have liberal approach. Matter should be proceeded on merit. Hence, delay can be condone in the interest of justice. Hence, I proceed to pass the following order :-

ORDER.

1. Application vide **Exh.32**, is hereby allowed.
2. The delay caused for filing the written statement of defendant no.2 is hereby condoned subject to costs of Rs.300/- (Rs. Three Hundred), amount of the costs be paid to the plaintiff.
3. Application vide **Exh.32** is disposed off accordingly.

Date : 26/09/2025.

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