

MHKO160000522020 	<u>Order below Exh.17 in R.C.S.No.11/2020</u>
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1. The defendant has filed this application for condonation of delay for filing W.S. and say. According to defendant, due to unavailability of important documents, he could not file his W.S. and say within stipulated time and delay of 170 days is caused to file his W.S. and say. The delay is not intentional. The W.S. and say of the defendant is necessary to decide this suit on merit. If the delay is not condoned, he will suffer irreparable loss. Hence, to avoid multiplicity of proceeding, he prays for condonation of delay.

2. Plaintiff given their say and objected the application stating that the defendant has served with notice on 30/01/2021 and he is appeared in this case on 18/03/2021. Sufficient opportunities have been given to defendant to file his say. Plaintiff has filed his chief-affidavit on 09/11/2022 and no cross order is passed on 08/12/2023 against defendant. The reasons mentioned in the application of defendant are not true and correct. Hence, plaintiff prayed that this application be rejected and cost of Rs.3,000/- on him.

3. After hearing both the parties, this court finds that, the reasons mentioned in the application are trustworthy, the delay is not intentional. Due to unavailability of certain documents, defendant could not file his W.S. and say within time. The W.S. and say of the defendant is important to decide this suit on merit. No prejudice will caused to the

plaintiff if this application is allowed. Plaintiff can be compensated by money. Plaintiff prayed to allow the application on cost. Considering all the facts, this court finds to grant this application. Hence, following order -

ORDER

1. Application Exh.17 is hereby allowed.
2. The delay caused to file W.S. and say by defendant is hereby condoned subject to cost of Rs.500/- to the plaintiff till next date.
3. After payment of the cost, the W.S. and say will be read and recorded.

Shahuwadi
Date : 14/03/2024

(Amol Shriram Shinde)
Civil Judge, Jr. Division,
Malkapur-Shahuwadi