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| MHKO160000972026  | <u>Order below Exh.15 in R.C.S.No.32/2026</u> |
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1. Present application is filed by defendant No.1 for condonation of delay in filing W.S. and allow to file W.S. on record. It is contended by defendant that due to lack of legal knowledge and unavailability of essential documents, he could not file his W.S. in stipulated time, and, the delay caused. The delay of 40 days caused to file his W.S. and the delay not intentional. He further submitted that if the delay is not condoned, he will suffer irreparable loss. Hence, prayed for condonation of delay and set-aside no W.S. order passed against him.

2. Plaintiffs filed say below the application and submitted that the reasons given by defendant are false and not trustworthy. There are other proceedings of defendant are pending and he has full knowledge of the proceeding. Defendant has intentionally not filed W.S. to prolong the proceeding. Finally, prayed to reject the application. Alternatively, plaintiff prayed that the application may be allowed by imposing cost.

3. After hearing both the parties and perusal of documents on record, it reveals that defendant have not given satisfactory reason for non filing of W.S. within time. Delay of 40 days caused to file his W.S. and the delay is not satisfactorily explained. However, as per the principle of natural justice, it is important to give a reasonable opportunity to the other side to defend his case. At the same time the delay caused needs to be compensated. No prejudice will caused to the

plaintiff if this application is allowed. As discussed supra, even though, the delay is not satisfactorily explained; it is important to give an opportunity to defendant to defend his case in order to bring on record his defence. Considering all the facts, this court finds to grant this application. Hence, following order : -

ORDER

1. Application Exh.15 is hereby allowed.
2. No W.S. order passed against defendant No.1 is hereby set-aside and delay caused is hereby condoned subject to cost of Rs.500/- to be paid to the plaintiffs till next date.

Shahuwadi
Date : 06/05/2026

(P. B. Pawar)
Civil Judge, Jr. Division,
Malkapur-Shahuwadi