


<p>MHKO160001202018</p> 	<p><u>Order below Exh.13 in R.C.S.No.16/2018</u></p>
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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 Covid-19 pandemic, unavailability of important documents from government office, he could not able to meet his learned advocate and file his W.S. and say within stipulated time and delay of 03 years and 08 months 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 appeared in this case on 17/02/2018. Defendant has filed this application on 28/10/2021. Defendant has not given any reason for their delay. Hence, plaintiff prayed that this application. Alternatively, they prayed that if this court comes to the conclusion to allow this application then cost of Rs.10,000/- be saddled 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 Covid-19 pandemic, unavailability of important documents from government office, 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.13 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 : 15/03/2024

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