


<p>MHKO160002212022</p> 	<p><u>Order below Exh. 16 in R.C.S.No.34/2022</u></p>
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1. The defendant No. 2 has filed this application for condonation of delay for filing W.S. and say. According to defendant No. 2, as he is out of town for some reason, he has unable to visit his learned advocate and cannot file his W.S. and say within stipulated time. The delay is not intentional. The W.S. and say of the defendant No. 2 is necessary to decide this suit on merit. If the delay is not condoned, he will suffer irreparable loss. Hence, he pray for condonation of delay. Plaintiff objected to the application stating that the reasons mentioned in the application of the defendant No. 2 are false and bogus. The The grounds mentioned in the application are not justifiable and proper. He prayed to reject the application. Alternatively plaintiff prays that if court comes to the conclusion that the application is to be granted, then, cost of Rs.1,000/- saddled on the defendant No. 2. After hearing both the parties, this court finds that, as defendant No.2 is out of town for some reason and has unable to visit his learned advocate, it is not intentional. The W.S. and say of the defendant No. 2 are 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. Considering all the facts, this court finds to grant this application. Hence, following order -

ORDER

1. Application Exh.16 is allowed.
2. The delay caused to file W.S. and say by defendant No. 2 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 : 05/08/2022

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

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file judgment are same, word to word, as per the original judgment.

Name of the Stenographeis	P. A. Vasudeo
Name of Court	Amol Shriram Shinde, C.J.J.D & J.M.F.C. Malkapur-Shahuwadi
Date of Dictation	05/08/2022
Judgment signed by the P.O.on	05/08/2022
Judgment uploaded on	05/08/2022