

MHKO160003222024 	<u>Order below Exh.15 in R.C.S.No.78/2024</u>
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1. The defendant has filed this application for setting aside no W.S. order and for condonation of delay for filing W.S. According to defendant, due to un-availability of certain documents and certified copies in time, he could not file his W.S. within time, and, delay occurred. He further submitted that he is residing in rural area. The delay of 100 days is un-intentional. If the delay is not condoned, he will suffer irreparable loss. Hence, to avoid multiplicity of proceeding, he pray to allow this application.

2. Plaintiff given his say below the application and objected that contents of the application are false and incorrect. Defendant has not given satisfactory reason for the said delay. Defendant has not given any documentary proof about his pleading in the application. Lastly he prayed to reject the application. Alternatively, plaintiff prayed to allow the application by imposing cost of Rs.10,000/- on defendant.

3. After hearing both the parties and perusal of documents on record, it reveals that due to un-availability of certain documents and certified copies in time, he could not file his W.S. within time. But, defendant has not filed any documentary proof regarding the same. On the other hand, plaintiff opposed the application and submitted that defendant has not given specific reason and prayed to reject the application. Defendant has not given any satisfactory reason and

documentary proof for said delay. Hence, it will be appropriate if the application is allowed subject to cost to compensate said delay. The W.S. of the defendant is important to decide this suit on merit to resolve all the dispute between both the parties. No prejudice would cause to plaintiff if this application is allowed with cost. 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 is hereby set-aside and the delay caused for filing his W.S. is hereby condoned subject to cost of Rs.1,000/- to be paid to plaintiff till next date.
3. After payment of the cost, the W.S. of defendant will be read and recorded.

Shahuwadi
Date : 05/03/2026

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