

<p>MHKO160003752013</p> 	<p><u>Order below Exh.48 in R.C.S.No.92/2013</u></p>
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1. The defendant Nos. 2 & 3 have filed this application for setting aside no additional order and for condonation of delay for filing additional W.S. According to defendants they are there are four owners of the suit property and they have the right to file counter claim. They further submitted that they belongs to backward class and does not have legal knowledge, hence, they could not file their additional W.S. within time, and, delay occurred. The delay is un-intentional. The additional W.S. of the defendants is necessary to decide this suit on merit. If the delay is not condoned, they will suffer irreparable loss. Hence, to avoid multiplicity of proceeding, they prays for condonation of delay to file additional W.S.

2. Plaintiffs have given their say below the application and submitted that the application is false and bogus. Court has given sufficient opportunity to defendants to file additional W.S., but, they purposefully not filed the same. The court has rejected defendants application Exh.47 for filing additional W.S. Defendants have not given duration of the said delay and does not give any specific reason for the same. Lastly, they prayed for rejection of the application. Alternatively, plaintiffs prayed that the application may be allowed by imposing maximum cost.

3. After hearing both the parties and perusal of documents on

record, it reveals that the present suit is filed for possession and permanent injunction. Defendants submitted that there are four owners of the suit property and they have the right to file counter claim and due to their illiteracy, they cannot file their additional W.S. within time. On the other hand, plaintiffs objected the application and prayed to reject the application. Defendants have not produced on record any evidence justifying the delay in filing additional W.S. The delay caused by defendants have certainly resulted in prolonging the proceeding. Even though, there are no satisfactory reasons for said delay, it will be appropriate if the application is allowed subject to cost to compensate said delay. The additional W.S. of the defendants is important to decide this suit on merit. No prejudice will caused to the plaintiffs if this application is allowed. At the same time the delay caused needs to be compensated. Considering all the facts, this court finds to grant this application. Hence, following order -

ORDER

1. Application Exh.48 is hereby allowed.
2. No additional W.S. order is hereby set-aside and the delay caused for filing additional W.S. is hereby condoned subject to cost of Rs.1,000/- to be paid to the plaintiffs till next date.
3. After payment of the cost, the additional W.S. of defendant Nos. 2 & 3 will be read and recorded.

Shahuwadi
Date : 04/08/2025

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