

MHKO160004332020 	<u>Order below Exh.26 in R.C.S.No.64/2020</u>
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1. The defendant Nos. 1,2,4 and 5 have filed this application for condonation of delay for filing W.S. and say. According to defendant Nos. 1,2,4 and 5, due to Covid 19, they could not get the necessary documents for filing their W.S. and say and hence they cannot file their W.S. and say within stipulated time. The delay is not intentional. The W.S. and say of the defendant Nos. 1,2,4 and 5 is necessary to decide this suit on merit. If the delay is not condoned, they will suffer irreparable loss. Hence, they pray for condonation of delay.

2. Plaintiff objected to the application stating that the reasons mentioned in the application of the defendant Nos. 1,2,4 and 5 are false and bogus. They stated that the defendants have not filed any documentary evidence for the delay. Hence, plaintiff prayed to reject the application. Alternatively plaintiff prays that if court comes to the conclusion that the application is to be granted, then, heavy cost of Rs.5,000/- be saddled on the defendant Nos. 1,2,4 and 5.

3. After hearing both the parties, this court finds that, due to Covid 19 and unavailability of necessary documents, it is not intentional. The W.S. and say of the defendant Nos. 1,2,4 and 5 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. Considering all the facts, this court finds to grant this

application. Hence, following order -

ORDER

1. Application Exh.26 is allowed.
2. The delay caused to file W.S. and say by defendant Nos. 1,2,4 and 5 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 : 01/09/2022

(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 Stenographis	P. A. Vasudeo
Name of Court	Amol Shriram Shinde, C.J.J.D & J.M.F.C. Malkapur-Shahuwadi
Date of Dictation	01/09/2022
Judgment signed by the P.O.on	01/09/2022
Judgment uploaded on	01/09/2022