


<p>MHKO160006722018</p> 	<p><u>Order below Exh.13 in R.C.S.No.127/2018</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 unavailability of certain old documents, he could not visit to his learned advocate about this matter and could not file his W.S. and say within stipulated time and the delay caused to file his W.S. and say. He is old aged person. The delay is not intentional. The W.S. and say of the defendant is necessary to decide this suit on merit. No prejudice caused to the other side if this application is allowed. But, if this application is not rejected, then, he will suffer irreparable loss. Hence, to decide this suit on merit and to avoid multiplicity of proceedings, he pray to condonation of delay to file his W.S. and Say.

2. Plaintiff given his say stating that necessary order may be passed in this matter..

3. After hearing both the parties, this court finds that, the defendant is old aged person and due to unavailability of certain old documents, he could not file his W.S. and say within stipulated time, hence, it is not intentional. The W.S. and say of the defendant is important to decide this suit on merit. Plaintiff given his say stating that necessary order may be passed. 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.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 : 05/09/2023

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