

MHLA050002012024



Spl.C.S. No.05/2024
Vimalbai Vs. Subhadrabai

:: ORDER BELOW EXH.47 ::

The application is submitted by the plaintiffs to condone the delay caused to file the say on Exh.22, with a reason of non receiving necessary information and proper documents.

02. The application is objected to by defendant Nos.1 and 2, on the grounds of falsity and irresponsibility. They have claimed that, the application may be rejected. No costs is claimed in the alternate.

03. Heard respective advocates for the respective parties.

04. The application filed below Exh.22 is regarding rejection of plaint as per Order VII Rule 11 of the Code of Civil Procedure, 1908. The application was filed by defendant Nos.1 and 2 on 11/11/2024. After granting reasonable opportunity to file say, an order was passed against the plaintiffs on 26/03/2025. It is that order which is put under challenge by filing present application.

05. The reason mentioned by the plaintiffs that, she could not get documents and proper information within stipulated period. She has further contended that, the say is filed along-with the application. Basically the suit when is filed by the plaintiffs, it is based on information, facts and documents. The reason mentioned in the

application that, she could not get necessary documents seems to be flimsy. What kind of documents she was in need of, what attempt she has made to get the documents, from where the documents were to be collected is not brought on record by the plaintiffs. So, the reason seems to be a casual reason. Why there is delay of 6 months from the date of filing of application Exh.22 is not specifically given.

06. Such applications need to be categorized in flimsy application. But at the same time application Exh.22 may be deciding the fate of the suit and if the plaintiffs are not allowed to file say, it will cause injustice upon them. Therefore, the application is allowed subject to costs of Rs.250/- each against the plaintiffs, which be deposited to the state as defendants have not claimed costs in their say.

Sd/-

{ S.N.Sarde }

Civil Judge Senior Division,

A h m e d p u r

Date : 30/06/2025.