

	<p style="text-align: center;"><b><u>Order below Exh. 81 in Reg. Civil S. No. 277/2014</u></b> (Passed on this 08<sup>th</sup> day of June of 2023) <u>Ranjanabai &amp; Anr. Vrs. Baburao &amp; Ors.</u> <b>CNR NO.MHLA060008782014</b></p>
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**01]** This application is filed by the defendant Nos. 2/1 to 2/3 for condonation of delay for filing written statement. According to them, due to unavailability of some important documents, they could not file their written statement within stipulated period under Order VIII Rule 1 of Civil Procedure Code. Thereon, plaintiffs have filed their say and resist the application on the ground that, there is no sufficient reason given by defendant Nos. 2/1 to 2/3 for delay of filing their written statement. Defendant Nos. Nos. 2/1 to 2/3 filed this application after delay. In order to trouble the plaintiffs, they could not file their written statement within stipulated time. Ultimately, they prayed reject the application.

**02]** Perused the record of the case. Heard both sides ld. advocates. I have carefully perused the record and have given my thoughtful consideration to submissions made by the both parties. Undoubtedly, The matter is more than five years old and matter needs to be proceed expedited on priority. Admittedly, there is five days delay for filing written statement. Further, reveals that, there is no adjournment application on record.

**03]** As mentioned earlier, there is five days delay to filing their written statement. It is settled principle of Law that in any applications of condonation of delay, a highly pedantic approach

should be avoided. The consequence of rejection of this application, will be grave as the defendant Nos. 2/1 to 2/3 will have to file another litigation for seeking remedy which would lead to multiplicity of litigations. On the contrary no prejudice is likely to be caused to the plaintiffs if the application is allowed.

**04]** In the backdrop of above discussion, it is clear that, in order to avoid multiplicity of proceedings and to decide the suit on merits, the defendant Nos. 2/1 to 2/3 deserves an opportunity. No doubt, due to delay plaintiffs have suffer loss. It would be need to compensate in the form of costs. Hence, I proceed to pass the following order;-

**:- ORDER :-**

- 1.** Instant application is allowed subject to costs of Rs.200/-.
- 2.** The delay caused for filing written statement is hereby condoned and pursis annexed with application be read and recorded.
- 3.** Pursis below Exh. 80 for treated as Written statement below Exh.18, be accept after compliance of above order.

(Dictated and pronounced in open Court)

**Place :-** Ahmedpur,

**Date :-** 08.06.2023.

**( Shyam S. Tondchire )**

III<sup>rd</sup> Joint Civil Judge (Jr.Dn.)

Ahmedpur.