

	<p style="text-align: center;"><u>Order below Exh. 89 in Reg. C.S. No. 277 Of 2014</u> (Passed on this 14th day of February 2024) Ranjana & Anr. V/s. Baburao & Ors. CNR.NO. MHLA060008782014</p>
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01] This is an application filed by plaintiffs for condonation of delay for compliance of order below (**Exh. 85**). According to plaintiffs, due to the Bar Association was on strike, they could not file amendment copy of plaint as directed by the Hon'ble Court vide Order below Exh.85. Thereon, defendants have filed their say and resist the application on the ground that, the reason mentioned in application is not tenable and as per Order VI Rule 18 of the Civil Procedure Code, the application is not tenable and also there is no evidence about the delay. So in the interest of justice application may kindly be rejected with costs.

02] Perused the record of the case. Heard both side ld. advocates. I have carefully perused the record and have given my thoughtful consideration to submissions made by both parties. Undoubtedly, the matter is more than 05 years old and needs to be proceed expedited on priority. Admittedly, there is delay for compliance the order. Further, reveals that, there is no adjournment application on record.

03] As mentioned earlier, there is no more delay to comply the order. It is undisputed that, advocates were on strike. However, it is settled principle of Law that, in any application of condonation of delay, a highly pedantic approach should be avoided. The consequence of rejection of this application, will be grave as the plaintiffs 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 defendants 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 plaintiffs deserves an opportunity. However, due to the delay and therefore, no inconvenience caused to the defendants thereby cannot be overlooked. Such inconvenience, however, can be compensated by imposing appropriate costs. Hence I proceed to pass the following order;-

-: ORDER :-

- 1.** Instant application is allowed.
- 2.** The delay caused for filing copy of amended application is hereby condoned.

(Dictated and pronounced in open Court).

Place :- Ahmedpur,

Date :- 14.02.2024.

(Shyam S. Tondchire)

IIIrd Joint Civil Judge (Jr.Dn.)

Ahmedpur.