

Order Below Exh. 14 in R.C.S. No.433 of 2025(Passed on this 28th day of April, 2026)

Rutika & Ors. -Vrs- Bhagwan & Ors.

CNR No.MHLA060021282024

The present application is filed by Defendant Nos.1 to 3 for condonation of delay in filing the written statement.

02. Learned Advocate for the defendants submitted that the defendants could not file the written statement within the prescribed period as certain important documents, which are necessary for proper adjudication of the dispute, could not be obtained within time. It is submitted that the delay is neither intentional nor deliberate, but due to unavoidable circumstances, and therefore deserves to be condoned in the interest of justice.

03. Per contra, learned Advocate for the plaintiff opposed the application and submitted that the defendants were served with summons on 05.07.2025 and despite sufficient opportunity, failed to file the written statement within the statutory period. The present application has been filed on 22.12.2025 with inordinate delay and without sufficient cause. Hence, it is prayed that the application be rejected.

04. I have perused the application, say, and documents on record. I have also considered the submissions advanced by both sides. It appears from the record that the defendants first appeared through their Advocate on 01.08.2025. However, they failed to file their written statement within the prescribed period. The present application seeking condonation of delay has been filed on 22.12.2025.

05. The suit in hand is one for partition and separate possession. Such suits involve determination of substantive rights of the parties in

joint property and require adjudication on merits. Denial of opportunity to file written statement may result in serious prejudice to the defendants and may also affect complete and effective adjudication of the dispute.

06. It is well settled that though the provisions relating to filing of written statement prescribe a time limit, the Court retains discretion to condone delay in appropriate cases to advance substantial justice. The primary consideration should be whether the delay is intentional or whether it can be compensated by costs.

07. In the present case, though the defendants have not furnished a very detailed explanation for the delay, the reason assigned regarding non-availability of important documents cannot be brushed aside entirely. At the same time, the delay reflects lack of diligence on the part of the defendants.

08. Considering the overall facts and circumstances, the nature of the suit, and in order to ensure that the matter is decided on merits, this Court is of the opinion that the delay deserves to be condoned, however, subject to payment of costs to balance the equities. Hence, the following order:

ORDER

1. The application for condonation of delay filed by Defendant Nos.1 to 3 is hereby allowed.
2. The delay in filing the written statement is condoned, subject to payment of costs of Rs. 500/- to the plaintiff.

Place :- Ahmedpur

(M C. Hasge)

Date :- 28/04/2026

2nd Jt. Civil Judge J.D., Ahmedpur.