



01] This application is filed by plaintiffs for condonation of delay for filing reply on counter claim. According to plaintiffs, due to unavailability of some important document and other educational problem of their child, they could not file their reply on counter claim within stipulated period under Order VIII Rule 1 of Civil Procedure Code. Thereon, defendants have filed their say and resist the application on the ground that, there is no sufficient reason given by plaintiffs for delay of filing their reply on counter claim. Plaintiffs have filed this application after delay. In order to trouble defendants, they could not file their reply on counter claim within stipulated time. Ultimately, they have 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, there is interim application pending and matter needs to be proceed expedited on priority. Admittedly, there is delay for filing reply on counter claim. Further, reveals that, there is no adjournment application on record.

03] As mentioned earlier, there is 14 months delay to filing their reply on counter claim. It is undisputed that, they could not filed any specific reason and supporting documents. However,

Court could not be passed any adverse order. Therefore, there is no reply on counter claim order has been passed by this Court. 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 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, plaintiffs deserves an opportunity. Hence, I proceed to pass the following order;-

:- ORDER :-

1. Instant application is allowed subject to costs of Rs.500/- (Rupees Five hundred only).
2. The delay caused for filing reply on counter claim is hereby condoned and reply on counter claim annexed with application be read and recorded.

(Dictated and pronounced in open Court)

Place :- Ahmedpur,

Date :- 20.02.2023.

(Shyam S. Tondchire)

IIIrd Joint Civil Judge (Jr.Dn.)

Ahmedpur.