



ORDER BELOW EXH.12 in R.C.S No.97/2019
(Narayan and other Vs. Baliram and other)
(CNR No. MHLA130005742019)

This suit is instituted for the declaration of ownership and perpetual injunction. The defendants no. 1 to 3 failed to file their written statement within statutory period. So, the no-written statement order against them came to passed on 13-01-2020. Hence, the defendants No. 1 to 3 by the present application prayed to condone the delay of 19 months 28 days in filing written statement and to set-aside the no-written statement order against them and to accept the written statement .

2. It is stated in application that, the defendants are illiterate and they failed to collect the necessary documents within statutory period. Thereafter, due to spread of Covid-19 the defendants also failed to contract to their learned advocate. The Delay is not intentional.

3. On the other hand, the plaintiff filed his say below application and prayed to reject the application. It is stated in say that, the defendants have not stated any reasonable cause for the delay of filing written statement. They have appeared in suit on 27-08-2019 but since then they failed to file their written statement in statutory period. So, he prayed to reject the application with heavy cost.

4. Read application and say filed thereon. Heard learned advocates for both sides. The present suit is for deceleration of ownership and perpetual injunction. For the conclusive decision of the suit it is necessary, to grant the opportunity to defendants to defend the suit. The reason stated by the defendants for delay is satisfactorily. For the

conclusive decision of the suit it is necessary to grant them opportunity to defend the suit by filing their written statement. By granting permission for filing written statement to present defendants will not cause any kind of loss to the plaintiff. On the other hand, it will help to the court to decide the suit on merit. So, present application deserves to be allowed. At the same time it is necessary to compensate the plaintiff for unnecessary delay. Hence, I proceed to pass the following order.

ORDER

1. Application stands allowed subject to cost of Rs.1000/-.
2. The present defendants are directed to pay the cost amount to the plaintiff on or before next date.
3. After payment of cost the Written statement of defendant shall form part of record.

Date :- 25/01/2022

(S. D. Yadav)
Jt. C.J.J.D. Renapur

C E R T I F I C A T E

I affirm that the contents of this P. D.F. file order are same word for word as per original order.

Name of Stenographer	: S.M.Tanawade,
Court Name	: S. D. Yadav, Jt.C.J.J.D., Renapur.
Order Date	: 25/01/2022
Order signed by presiding officer on	: 25/01/2022
Order uploaded on	: 25/01/2022