



Order below Exh. No. 21

1. The present application is filed on behalf of defendant for condonation of delay in setting aside no say order passed against him.
2. Ld. Advocate for the defendant contended that, defendant has not filed say within time therefore no say order passed against him. Due to pandemic situation he has not filed say within time. Therefore, Ld. Advocate for defendant has prayed for condonation of delay in setting aside no say order.
3. The plaintiff has filed say and resisted the application. The plaintiff has contended that, there is no lock down after filing the present application. Hence he has prayed application be rejected.
4. Perused the record, read the application and say.
5. Heard both the sides.
6. The application discloses that, the defendant could not file say within time due to the pandemic situation. It is to be noted that the suit is for measurement and fixation of boundaries. The application is supported by affidavit. The valuable rights and interests of the parties are involved in the suit. Hence for just and proper adjudication of the matter on merit and to avoid multiplicity of proceedings an opportunity is required to be given to the defendant by condoning delay. Therefore I

proceed to pass following order.

ORDER

1. The application is allowed.
2. The no say order passed against defendant is set-aside and he is permitted to file say on record.
3. No order as to costs.

Place: Ausa

Date: 07/10/2021

(Smt. P.R. Kulkarni)

Civil Judge, JD, Ausa