



ORDER BELOW EXH.10
MHLA150001712023

This is suit for Declaration and Injunction against defendant. In the present matter Defendant was served with suit summons on 23/02/2023 vide balief report at Exh.6 and appeared on 16/03/2023. however, he failed to filed his Written Statement within statutory period of limitation. Hence, the defendant has filed the present application and prayed to condone of delay of 73 days caused for filing written statement, to set a side no Written Statement order and also prayed to take his written statement on record.

2. It is stated in application that, suit summons was served to the defendant on 23/02/2023 and appeared on 16/03/2023. due to Technical problem for E-filing of Written Statement, he was not able to filed written statement within statutory period. Hence, the defendant prayed to allow this application for con-donation of delay, to set a side no Written Statement order and to take written statement on record.

3. The plaintiff filed say on the back leaf of the application below Exh.10. It is contented that the reason for delay mentioned by defendant is not proper and it is intentional. Hence, plaintiff prayed to reject the application with cost.

4. Read the application and say thereon. Heard Learned advocates for both sides. It appears from record that, suit is filed for the Declaration and Injunction against defendant. It also appears from record that defendant failed to file written statement within prescribed period of limitation. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. This application is supported with affidavit. No counter affidavit is filed by the plaintiff in



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support of his say.

5. For the conclusive decision of the suit, it is necessary to grant the opportunity to defendant to defend the suit by filing his written statement. The reason stated by the defendant for delay is satisfactory. By granting permission for filing written statement to present defendant will not cause any kind of loss or prejudice 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 pass following order.

ORDER

1. Application stands allowed subject to cost of Rs.100/-
2. The present defendant is 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 :- 27/09/2023

(M.S. Luniya)
Jt. C.J.J.D. Chakur.



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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 Jr. Clerk	: Santosh Sanjayrao Patil
Court Name	: M.S. Luniya, Jt.C.J.J.D., Chakur.
Order Date	: 27/09/2023
Order signed by presiding officer on	: 27/09/2023
Order uploaded on	: 27/09/2023