

MHLA150007102024 	<u>ORDER BELOW Exh. 29.</u>
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1. This application is filed by defendant no.1 to 4 for delay condonation to file W.S.

2. It is submitted by defendants that, due to illness of them, they could not file their W.S. within limitation. So, on 18.10.2024 no W.S. order has been passed. Therefore, defendants prayed to allow the application to condoned the delay.

3. Per contra plaintiff on the back leaf of the application filed his say and submit that application is not legally maintainable. Reason mention in the application is not proper and legal. So application be rejected with costs.

4. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for declaration of ownership and perpetual injunction. It seems from record that defendants failed to file written statement within limitation. Application is supported by affidavit of defendant no.2 Balaji Bhagwat Sabade. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. No counter affidavit of plaintiff is filed on

record to rebut the contention of defendant. If delay is condoned then it will not cause any harm to plaintiff. The applicant has not specified the period of delay caused to file W.S. It appears that, since 18.10.2024 till filing of this application i.e. on 19.06.2026 applicant has caused delay of 1 year 8 months and 1 day to file W.S. Hence, no W.S. order is required to be set aside with heavy costs. For the purpose of natural justice, it is necessary to condone the delay. So, I pass following order.

ORDER

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| 1. | Application (Exh.29) is allowed. |
| 2. | Delay is condoned, subject to costs of Rs. 500/-. Cost be paid to plaintiff. |

Date : 14.08.2026.

(V.S. Waghmode)
Civil Judge Junior Division,
Chakur.