



RCS No. 51/2021
Bapurao and ors
VS. Sudharak and Ors

ORDER BELOW EXH.26
MHLA150003672021

This is suit for declaration of ownership and perpetual injunction against defendants. In the present matter, defendant No.1 to 3 served with suit summons on 13/10/2021. But they failed to filed their written statement within statutory period of limitation. Hence, suit was proceeded without their written statement. Hence, defendant No.1 to 3 have filed the present application to condone of delay caused for filing written statement and also prayed to take his written statement on record.

2. It is stated in application that, due to old age of defendant no.3 and due to unavailability of necessary documents and due to compromise talk between plaintiff and defendants, defendant No.1 to 3 could not able to file their written statement within statutory period. Hence, the defendant No.1 to 3 prayed to allow this application for con-donation of delay and to take written statement on record.

3. The plaintiff filed his say on the back leaf of the application and contended that delay was intentional and there is not specific reason shown by the defendant. No separate application of delay condonation is made. Hence, plaintiff prayed to reject the application with costs.

4. Read the application and say thereon. Heard learned Advocates for both sides. It appears from record that, suit is filed for the declaration of ownership and perpetual injunction . It also appears from record that defendant No.1 to 3 have failed to file written statement within prescribed period of limitation.



**RCS No. 51/2021
Bapurao and ors
VS. Sudharak and Ors**

5. However, for the conclusive decision of the suit, it is necessary to grant the opportunity to defendant No.1 to 3 to defend the suit by filing their written statement. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. The reason stated by the defendant No.1 to 3 for delay is satisfactory. By granting permission for filing written statement to present defendant No.1 to 3 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. Hence, I pass following order.

ORDER

1. Application stands allowed subject to cost of Rs.200/-
2. The present defendant No.1 to 3 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 No.1 to 3 shall form part of record.

Date :- 28/03/2024

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



RCS No. 51/2021
Bapurao and ors
VS. Sudharak and Ors