

MHLA150005222025



**ORDER BELOW EXH. 35**

Present application has been filed by the defendant no. 6 and 7 for condonation of delay and setting aside No WS order passed against them. In the present matter the defendant no. 6 and 7 is served with suit summons but he failed to filed his WS within statutory period of limitation. Application is supported with affidavits of the defendants.

2. It is stated in application that, they received suit summons on 04/09/2025. But they were unable to get all documents related to the suit and file written statement within statutory period. Hence, the defendants prayed to allow this application for condonation of delay and to take written statement on record.

3. The plaintiff filed say at Exh 37. It is contented that the reason for delay mentioned by defendant is not reasonable and it is intentional. There is delay of 45 days. Hence, plaintiff prayed to reject the application with cost.

4. Perused applications and say thereon. Heard Learned advocates for both sides. It appears from record that, suit is filed for the partition. It also appears from record that the defendant failed to file written statement within prescribed period of limitation. This application is supported with affidavit. Plaintiff has not filed any

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Bhanudas Chintale

counter affidavit on record.

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. The applications are allowed subject to payment of costs of Rs. 500/- by the defendant to plaintiff on or before next date.
2. On payment of cost, the written statement already filed on record will be read and recorded.
3. In the event of failure to pay cost, present order shall be deemed to be *non est*.

(Dictated and pronounced in open Court)

Date :- 07/04/2026

Place :- Chakur

(Divya Sarang Karbhajan)  
Jt. JMFC and CJJD, Chakur.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F file judgment/order are same, word to word, as per the original judgment/order;

Name of the Stenographer : Self  
Court Name : Jt. C.J.J.D. and J.M.F.C., Chakur  
Date of judgment/order : 07/04/2026  
Date of Judgment/Order signed by  
the Presiding Officer on : 07/04/2026  
Judgment/Order uploaded on : 07/04/2026