

Order below Exhibit. 18.

1. This is an application filed by defendant no. 1 to 3 for taking their W.S. on record by condonation of delay for filing W. S. on record. According to them, the talks was going on to compromise the suit, therefore they could not file W.S. within time. There is 01 year, 04 months and 21 days delay in filing W.S. on record. The delay caused is not deliberate and intentional. The defendant no.1 is old-age and suffer with various disease. Therefore he was unable to come in the court. Therefore, they prayed to allow the application and for condonation of delay for 01 year, 04 months and 21 days.

2. Plaintiff filed his say on overleaf of the application contending that, reason mentioned in the application is not justifiable. According to them inspite of service of summons defendants deliberately absent, so they prayed for rejection of this application.

3. Considering the submissions made on behalf of both the parties and on perusal of the records of case it is seen that summons was duly served. However, defendant no.1 to 3 failed to appeared in the suit and failed to file WS within limitation. Ultimately on 29.01.2018 ex-parte order was passed on exh.1. There is delay in filing W.S. on record. Even though to adjudicate the case on merits and to give proper opportunity to defendant no.1 to 3, it will be just and proper to allow the application subject to cost. In the interest of justice one last chance should be given to defendant no.1 to 3. The damage sustained by plaintiff may be cured by imposing proper costs. Hence, following order.

: Order :

1. Application is allowed subject to costs of Rs. 200/- each, to be paid to plaintiff.
2. The delay for filing W.S. is hereby condoned accordingly and W.S. of defendant no.1 to 3 be taken on record after payment of cost.
3. Ex-parte order against defendant no.1 to 3 be set aside accordingly.

Date 20.06.2018

(Y.D. Koinkar)
Jt. Civil Judge(Jr.Dn.), Chakur