



ORDER BELOW EXH.17 IN R.C.S NO.239/2021
(Maroti & Ors. Vs. Gangadhar & Ors.)
(CNR NO. MHLA150013532021)

The suit is filed for possession against the defendants. Defendant No. 1 and 6 have appeared and filed present application at Exh.17 and supported with affidavit at Exh.18 for con-donation of 45 days of delay cause for filing written statement and for taking their written statement on record.

2. It is stated in the application that, due to unavailability important document to file the written statement, defendant No. 1 and 6 were suffering from illness and due to which they are unable to file written statement on record. It is contended by the defendants that, the delay was not intentional. Therefore, they prayed to con-done the delay and their written statement be accepted.

3. The plaintiff filed their say below Exh.17 and submitted that, the defendant No. 1 and 6 failed to file their written statement and say as per C.P.C. and unnecessarily prolong the matter. Hence, prayed to reject this application being not tenable with heavy cost.

4. Read the application and say thereon. Heard learned advocates for both sides. It appears from record that, the suit is filed for possession against the defendants. It also appears from record that defendants failed to file written statement within 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 of defendant No. 6. No counter affidavit of plaintiff is filed on record.

5. It appears from record that, defendant could not filed his written statement within the prescribed period of limitation due to unavailability of documents and due to illness of defendant No. 1 and 6. Reason mentioned for not filing written statement within limitation is satisfactory. So also, for the conclusive decision of the suit, it is

necessary to grant the opportunity to defendant No. 1 and 6 to defend the suit by filing their written statement. By granting permission for filing written statement to present defendants will not cause any kind of loss or prejudice to the plaintiffs. 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 plaintiffs for unnecessary delay. Hence, I pass following order.

ORDER

1. Application stands allowed subject to cost of Rs.200/-.
2. The present defendants are directed to pay the cost amount to the plaintiffs on or before next date.
3. After payment of cost the Written Statement of present defendants shall form part of record.

Date :- 29/09/2022

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

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	: Atul Lalasaheb More
Court Name	: M.S. Luniya, Jt.C.J.J.D., Chakur.
Order Date	: 29/09/2022
Order signed by presiding officer on	: 29/09/2022
Order uploaded on	: 29/09/2022