



ORDER BELOW EXH.14 IN R.C.S NO.239/2022
(Maruti & Ors.1 VS. Gangadhar & Ors.6)
MHLA150013532021

This is suit for Possession against defendants. In the present matter defendant No.3 to 5 are served with suit summons on 20/12/2021. They appeared in the suit on 12/01/2022 vide Vakalatnama at Exh.11. But failed to file their written statement within statutory period of limitation. Hence, the defendant No.3 to 5 have filed the present application and prayed 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, suit summons was served to the defendant on 20/12/2021. Due to unavailability of necessary documents, the defendant No.3 to 5 could not filed the written statement within statutory period. Hence, the defendant No.3 to 5 prayed to allow this application for con-donation of delay of 10 days and to take written statement on record.

3. The plaintiff filed his say on back leaf of the application below at Exh.14. It is contented that the reason for delay mentioned by defendant No.3 to 5 are not proper. Plaintiff by making by this application prolong the matter. Hence, plaintiff prayed to reject the application with heavy costs.

4. Read the application and say thereon. Heard Learned advocates for both sides. It appears from record that, suit is filed for Possession. It also appears from record that defendant No.3 to 5 have failed to appear and file written statement within proscribed period of 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. Plaintiff has not filed any counter affidavit on record.

5. For the conclusive decision of the suit, it is necessary to grant the opportunity to defendant No.3 to 5 to defend the suit by filing his written statement. The reason stated by the defendant No. 3 to 5 for delay is satisfactory. By granting permission for filing written statement to present defendant No.3 to 5 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. Application stands allowed subject to cost of Rs.100/-
2. The present defendant No.3 to 5 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.3 to 5 shall form part of record.

Date :- 15/11/2022

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



RCS No. 239/2022
Maruti & Ors.1 VS. Gangadhar
& Ors.6

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	: 14/11/2022
Order signed by presiding officer on	: 14/11/2022
Order uploaded on	: 14/11/2022