

ORDER BELOW EXH.28 IN R.C.S. NO.27/2025
Sanjay Jagtap Vs. State and others.
CNR NO.MHLA170003292025.

Defendant No. 4 has filed application for condonation of delay to file his written statement. He further submits that, he could not file his written statement as he has filed application under Order VII Rule 11 of the Code of Civil Procedure. Therefore, there is reasonable cause to file his written statement. Hence, he prayed that, his application be allowed.

2. Perused the say of plaintiff. He has objected the application on the grounds that, defendant No. 4 suo moto appeared before the Court on 09/06/2025. Filing of WS, say and filing of application under Order VII Rule 11 of the CPC are two different things. Defendant No. 4 cannot take benefit of other application to avoid speedy disposal of the suit. There is delay of 150 days from the appearance of defendant No. 4 to file this application. The defendant No. 4 was sleeping over rights. Hence, the application cannot be considered. Therefore, the plaintiff prayed to reject the application.

3. Heard learned counsel for defendant Nos. 4. Perused the record. Considering reasons assigned in the application, it is necessary to grant an opportunity to defendant Nos.4 to file his written statement to put up his defence. Hence, in the interest of justice and just decision of the suit and considering the delay cause to file the application, the application of defendant Nos.4 is liable to be allowed subject to imposing cost upon defendant No. 4. Therefore, I pass following order:-

ORDER

1. The application is allowed.

2. Delay caused to file written statement by defendant No.4 is hereby condoned subject to cost of Rs.500/-.
3. Cost amount be handed over to the plaintiff.

Date :- 08/12/2025.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.