



**ORDER BELOW EXH. 18**  
(order passed on dt. 22/08/2024)

By this application the defendant is seeking for condonation of delay for filing written statement.

2. Perused the proceeding. Perused application as well as say filed on it. Heard both side at length.

3. On perusal of record it is found that, the summons served to the def no. 01 and 05 dt. 22/01/2024 where as the summons is served to def no. 06 and 07 dt 06/09/2023 vide summons to def no. 02 to 04 is served on dt. 06/09/2024, the statutory period of filing written statement is already lapsed . Per contra the other side filed his say on the application and resisted the application strongly.

3. The present suit filed for Possession and permanant injection of the suit property. There is involvement of immovble porperty. Both the parties are one way or the other connected to the same. There is latin maxim in law “**Audi aultram partem**” meaning hear the both sides. Moreover, **section 148** of the Code of Civil Procedure says that “ *Where any period is fixed or granted by the court for the doing of any act prescribed or allowed by this code , the court may , in its discretion from time to time , enlarge such period , **not exceeding thirty days** even though the period originally fixed or granted may have expired*” . Since the intrest of the parteis are involved in the matter The

Court has to decide the matter on merit. In order to reach to proper conclusion on merit it is important to give hearing both the parties equally. Therefore, the right of being heard should be given to other side equally.

4. Therefore, considering the above discussion and provisions supra, in the interest of justice I proceed to pass following order:

**ORDER**

1. The application is allowed subject to cost of Rs. 200/-.
2. The cost be paid to the Plaintiff.

Loha  
Date: 22-08-2024.

( **Smt. P. V. Chidre** )  
2<sup>nd</sup> Jt.Civil Judge Jr. Div.,  
Loha Dist., Nanded