

Regular Civil Suit No.39/2017

CNR:MHNS13-000388-2017

Order Below Exh. 11

Gulab Shirsath

Vs.

Gaurav Akade & Ors.

Read the application filed by defendant No.2 and say filed by the plaintiff. Perused record. Heard learned counsels appearing on behalf of both the parties.

2] This is a suit filed by plaintiff wherein application for delay condonation for filing Written Statement of defendant No.2. It is submitted on behalf of said defendants that, defendants No.2 is appeared before the Court, however, he has no knowledge to file his written statement and put up his defence. Hence, the delay is occurred to file their Written Statement. Defendant No. 2 will suffer irreparable loss if he is not permitted to file Written Statement on record. Hence, the present application.

3] Plaintiff resisted the application by filing his say overleaf application. It is submitted that, delay is occurred deliberately to file written statement of defendant No.2. The delay is not explained. Hence, he prayed that application may kindly be rejected.

4] Heard the learned Advocates for both the parties. Perused the matter on record. In view of contentions of defendant, there is a possibility due to which he could not file Written Statement within limitation. Considering the nature of suit and in the interest of justice, it

would be worthwhile to allow the application filed by defendant No. 2 for the purpose of determining the real question in controversy between the parties. Hence, the order.

ORDER

Application is allowed subject to costs of Rs. 2000/- to be paid to plaintiff on or before next date without fail.

Date : 22/07/2024

(P. D. Kolekar)
Civil Judge Junior Division,
Pimpalgaon (B)