

Regular Civil Suit No.45/2012

CNR:MHNS13-0001882012

Order Below Exh. 182

Manohar ..Vs..Sharad.

Read the application filed by Defendant No.4 to 7 and say filed by the plaintiff. Perused record. Heard learned counsels appearing on behalf of both the parties.

2] Present application is filed by defendant no. 4 to 7 for delay condonation for filing Written Statement . It is submitted that, Defendant No.4 to 7 could not file their written statement within stipulated period of time due to unavoidable reasons. Hence, the delay of 315 days occurred to file their Written Statement. Said Defendants will suffer irreparable loss if they are not permitted to file their Written statement. Hence, prayed for condonation of delay for filing Written Statement of Defendant No.4 to 7.

3] Plaintiff denied the contentions of application by filing his say. Only to prolong the suit, defendants have not filed their say. Hence, prayed to reject the application. Alternatively, prayed to impose heavy costs.

4] Heard the learned Advocates for both the parties. Perused the matter on record. In view of contentions of Defendant No.4 to 7 there is a possibility due to which delay is occurred for filing their Written Statement. Considering the nature of suit the matter in dispute is necessary to be decided on merit. In that regard an opportunity needs to

be given to Defendant No.4 to 7 to contest the suit. In such circumstances, no prejudice will cause to plaintiff if permission is given to Defendant No.4 to 7 for filing their W. S. In fact it will helpful to decide the suit finally. Therefore, the application deserves to be allowed.

ORDER

- 1] Application is allowed.
- 2] Delay caused to file Written Statement of Defendant No.4 to 7 is hereby condoned subject to payment of cost of Rs.1,000/- to be paid to plaintiff on or before next date without fail.
- 3] Defendant No.4 to 7 are allowed to file Written Statement on record subject to payment of above mentioned cost.

Date : 13/06/2024

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