

ORDER BELOW EXH. 26

Vilas V/s Shivaji

Read the application and say filed by defendant. Perused record. Heard both the Counsels.

2] This is a suit filed for declaration and injunction. Wherein application for condonation of delay caused to file counter written statement is filed. It is submitted on behalf of plaintiff that, some documents are awaited. Therefore, in absence of material documents counter written statement could not be filed within time. Hence, the present application.

3] By way of filing say application is resisted. It is submitted on behalf of defendant that, grounds are not sufficient. Delay is not properly explained and prayed to reject the application.

4] Perusal of record shows that, defendant has filed counter claim and therefore opportunity needs to be given to the plaintiff for filing counter written statement. In absence of written statement of plaintiff, there would not be a proper adjudication. Hence, in result following order is passed.

ORDER

1] Application Exh. 26 is allowed on costs of Rs. 500/-.

Sd/-xxx
(Vijay C. Gawai)
Civil Judge Junior Division,
Pimpalgaon (B.), Tal. Niphad

Date : 23/08/2018