

Order below Exh.- 17 in Mesne Profit No.- 1/2015

1] The opponent no. 3 has filed this application for acceptance of written statement as it is not filed within stipulated period of 30 days as contemplated by Order 8 Rule 1 of the Code of Civil Procedure. In support of the application the opponent submitted that he collect the documents of suit no. - 124/1992 and was not having knowledge of law and gave the details about the case to his advocate, therefore he could not present his written statement within stipulated time, therefore, he may be permitted to file his written statement in the interest of justice.

2] The applicant has not filed his say till today.

3] For the acceptance of written statement after the stipulated period the party must show the reasonable justification which prevented him from filing it. Here in this case considering the contents of the application it appears that there is justifiable explanation offered by the non applicant. Moreover, the opportunity is required to be given to non opponent no. 3 to defend this application on merit. Needless to say that the harassment caused to the applicant due to delay for filing written statement can be compensated by way of awarding reasonable costs. Therefore, I am of the opinion that the application deserves to be allowed in the interest to the justice subject to heavy costs. Hence, I proceed to pass following order -

ORDER

- 1) Application Exh.- 17 is allowed.
- 2) The W.S. of opponent no. 3 is accepted subject to cost of Rs. 200/-.
- 3) Costs to be paid on or before next date without fail.

Chandwad
Date : 11/12/2017

(K.G. Chaudhari)
Civil Judge, J.D., Chandwad, Dist- Nashik.