

ORDER BELOW EXH.43 IN R.C.S.No.122/2022,
(CNR-MHNS160007492022)

1. This is an application filed by Defendant No.8 for condonation of delay to file written statement on record. It is contended that, delay of 258 days has been caused to file written statement for suit. Due to unavailability of necessary documents written statement could not be file on record. Hence, finally prayed to allow the application. Plaintiffs have objected to allow the application. Per contra, it is replied that, reasons mentioned in the application is not true, therefore, requested to reject the application. On the other hand, if the application is going to be allowed then cost of Rs.2000/- be imposed on applicant.

2. Heard. Read the application and say. Gone through the matter. It shows that, defendant No.8 has failed to file their W.S. within stipulated time. Said application is filed on 19.06.2023. But, record shows that, there is no inordinate delay to file written statement to suit and therefore this application in the interest of justice required to be allowed subject to reasonable costs. Hence, I pass following order.

O R D E R

1. Application is hereby allowed subject to costs of Rs.400/- payable to plaintiff.
2. After payment of costs the written statement shall be read and recorded.

Date : 05.03.2024.
Place : Chandwad.

(Sunil B. Mane)
Jt. Civil Judge (J.D),
Chandwad.

ORDER BELOW EXH.48 IN R.C.S.No.122/2022,
(CNR-MHNS160007492022)

1] This is an application filed on behalf of Defendant No.3, 5 & 6 seeking permission to file written statement on record with further prayer to set aside NO WS order. Defendants have failed to file their W.S. in stipulated time and therefore consequential order has been passed against them on 19.06.2023. If this application is not allowed irreparable loss can be caused to defendants and finally prayed to allow the application.

2] Per contra, plaintiff has replied on same application by contending that, reasons mentioned in the application is not true. No documentary evidence filed on record to support their contention. Defendant have intentionally caused delay to file W.S. on record. Therefore, requested to reject the application. On the other hand, if the application is going to be allowed then cost of Rs.2000/- be imposed on applicant.

3] Heard for parties. Gone through matter. Read application and say. Record shows that, on 19.06.2023, No W.S. order has been passed against the defendants. No genuine reason has been put forth in the application. The delay seems to be inordinate as defendants were expected to file their W.S. in stipulated time. But, this application in the interest of justice is required to be allowed otherwise matter would not be settled on merit. Hence, in the interest of justice this application is required to be allowed. Resultantly, I pass the following order.

:: ORDER ::

1. Application is hereby allowed subject to costs of Rs.300/- payable to other side.
2. No W.S. order passed against defendants on 19.06.2023 is set aside and delay is condoned.

3. After payment of costs the written statement shall be read and recorded.

Date : 05.03.2024.

Place : Chandwad.

(Sunil B. Mane)

Jt. Civil Judge (J.D),

Chandwad.

ORDER BELOW EXH.50 IN R.C.S.No.122/2022,
(CNR-MHNS160007492022)

1. This is an application filed by Defendant No.3, 5 & 6 for condonation of delay to file written statement on record. It is contended that, delay of 290 days has been caused to file written statement for suit. Due to unavailability of necessary documents written statement could not be file on record. Hence, finally prayed to allow the application. Plaintiffs have objected to allow the application. Per contra, it is replied that, reasons mentioned in the application is not true, therefore, requested to reject the application. On the other hand, if the application is going to be allowed then cost of Rs.2000/- be imposed on applicant.

2. Heard. Read the application and say. Gone through the matter. It shows that, defendant No.3, 5 & 6 have failed to file their W.S. within stipulated time. Said application is filed on 25.09.2023. But, record shows that, there is no inordinate delay to file written statement to suit and therefore this application in the interest of justice required to be allowed subject to reasonable costs. Hence, I pass following order.

O R D E R

1. Application is hereby allowed subject to costs of Rs.200/- payable to plaintiff.
2. After payment of costs the written statement shall be read and recorded.

Date : 05.03.2024.
Place : Chandwad.

(Sunil B. Mane)
Jt. Civil Judge (J.D),
Chandwad.