

Order below Exh 66 in R.C.S. No. 31/2016
Popat Vs. Balasaheb & Ors.

The plaintiff has filed present application to condone the delay for filing written-statement on amended w.s. and counter-claim. The contention of the plaintiff that as per Exh.61 defendants have amended their w.s. and counter-claim. But, due to oversight he has not filed written-statement to the same. As such, delay of 326 days has been caused. If plaintiff is not allowed to file written-statement then, irreparable loss will be caused to him. Hence, plaintiff has prayed to condone the delay caused for filing written-statement.

02] The defendants have strongly objected the application and prayed to reject the same.

03] Perused application, say and record. Heard Ld.advocates for parties.

04] Apparently, delay of 326 days has been caused for filing written-statement on amended w.s. and counter-claim. Due to oversight the plaintiff has not filed written-statement. The suit is in respect of immovable property. Therefore, it is necessary to allow the plaintiff for filing of written-statement on amended w.s. and counter-claim. No prejudice will be caused to the defendants. Therefore, for deciding suit on merit, opportunity of filing written-statement should be given to the plaintiff. Hence, for the ends of justice following order :-

ORDER

1. The application Exh.66 is allowed.
2. The delay caused for filing written-statement on amended w.s. and counter-claim is hereby condone and plaintiff is permitted

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CNR NO.MHNS18000354-2016

to file written-statement as prayed subject to costs of Rs.500/-
(Rupees Five Hundred only).

Place : Kalwan.
Date : 03/01/2023.

(P.K.Mutkule)
Civil Judge, Jr.Divn.,
Kalwan.