

**Order Below Exh.14**

The present application is filed by defendants no. 1 to 3 condone the delay in filing the written statement.

The defendants submitted that they could not obtain necessary documents within time due to Covid-19 pandemic. Therefore, there was delay in filing the written statement. Therefore, they prayed that the application be allowed and delay to file the written statement and say be condoned and the written statement be taken on record.

The plaintiffs filed their say below the application and submitted that present application is false and frivolous and hence, it be rejected and costs be imposed on the defendants.

Perused the application, say and other documents on record. Heard Ld. Advs. for both the sides. As per report at Exh- 8, it appears that the suit summons was duly served upon the present defendants on 24.06.2021. Hence it was required to file W. S. within 90 days from the date of service of summons. The defendants had appeared before the court. However, they failed to file their say within stipulated period. However, the present application is filed today on 07.09.2021. Hence, there is delay in filing the present application. Hence, costs need to be imposed for the said delay. However, if the present application is allowed, no prejudice will be caused to the plaintiffs. However if the present application is rejected, the defendants will be denied an opportunity to put their case before the court. It is principal of natural justice that both the parties should be heard. Hence, it is necessary in the interest of justice to allow the defendants to file their W.S. for the proper adjudication of the matter. Moreover,

though there is delay caused by the defendants in filing the present application, such delay can be compensated by imposing costs on the defendants. Resultantly, I pass the following order -

**O R D E R**

1. The application (Exh. 14) is allowed with costs of Rs. 100/- (One Hundred Rupees only).
2. The defendants shall pay the costs to the plaintiffs.
3. After payment of costs, WS filed by defendant no.1 to 3 be taken on record.

**Sd/-**

**Date : 07.09.2021**  
**Place : Kalwan**

**( A. C. Joshi )**  
**Jt. Civil Judge J. D., Kalwan**