

MHNS190002862023



R.C.S.No. 45/2023

Kamal Fakira Sabale

Vs.

Ravindra Sakharam Nagare

**ORDER BELOW EXH. NO.23**

This is an application filed by the plaintiffs and thereby prayed that delay be condoned and permission be granted to file the written statement to the counter claim.

2. It is the contention of the plaintiffs that, due to unavoidable reasons they failed to file the written statement within the stipulated period. Therefore, they prayed that delay be condoned and permission be granted to file the written statement.

3. Per contra the defendant opposed the application on the ground that this application is not tenable and and delay is not properly explained. Therefore, he prayed for the rejection of the application with cost.

4. Heard both sides at length. Perused the record. It is the contention of the plaintiffs that, due to unavoidable reasons they failed to file the written statement within the stipulated period. On the other hand the defendant opposed the application. This is the suit for declaration and permanent injunction and in order to decide the real controversy between the parties it is necessary to give an opportunity to the plaintiffs. If in such circumstances the application is allowed then no prejudice will cause to the defendant. Hence, I pass the following order,

**ORDER**

1. The application is allowed.
2. Delay is hereby condoned and plaintiffs are permitted to file written statement subject to costs of Rs.100/- and the same be given to the defendant.

Date: 27.01.2026.

(D.M.Gulati)  
Jt. Civil Judge, J.D. Yeola,  
Dist. Nashik.