

MHNS190003052025



R.C.S.No.42/2025

Rajnanda Vishwasrao Aaher

Vs.

Ramhari Ramchandra Aaher & Ors.

ORDER BELOW EXH. NO.22

This is an application filed by the defendant no.1 and thereby prayed that delay be condoned and permission be granted to file the written statement.

2. It is the contention of the defendant No.1 due to illness he failed to file written statement within the stipulated period. Therefore, he prayed that delay be condoned and permission be granted to file the written statement.

3. Per contra the plaintiff opposed the application on the ground that this application is not tenable. Summons was served to defendant No.1 on 03/03/2025 and delay is not properly explained. Moreover, this application is filed to prolong the matter. Hence, she prayed for the rejection of the application with cost.

4. Heard both sides at length. Perused the record. It is the contention of the defendant no. 1 that due to illness he failed to file the written statement within the stipulated period. On the other hand the plaintiff opposed the application. In order to decide the real controversy between the parties it is necessary to give an opportunity to the defendant No. 1. If in such circumstances the application is allowed then no prejudice will cause to the plaintiff. Hence, I pass the following order,

ORDER

1. The application is allowed.
2. Delay is hereby condoned and defendant No.1 is permitted to file written statement subject to costs of Rs.200/- and the same be given to the plaintiff.

(D.M.Gulati)

Date: 15.07.2025.

Jt. Civil Judge, J.D. Yeola, Dist. Nashik.