

Indubai Bhaginath Dhumal & etc 3

Vs.

Balnath Trambak Dhumal

ORDER BELOW EXH.14

1. The present application has been filed by the defendant for condonation of delay for filing written statement.

2. Heard Lrd Adv. Shri. P. S. Patil for the defendant at length. He has submitted that he has not received documents from various authorities. The said delay is not intentional and deliberate. Hence, prayed for allow the application.

3. Heard Lrd. Adv. Shri. D. S. Chavan for plaintiffs at length. He has submitted that the reasons mentioned in application is not proper and legal. Moreover, application is not supported by documents for said delay. The defendant is trying to delay the matter. Hence, prayed for rejection of application.

4. I have heard both side at length. Perused say filed by plaintiffs. The present suit is filed by plaintiffs for declaration and injunction. It is undisputed fact that trial is yet to be commenced. Considering the nature of suit, it would be proper to give one opportunity to the defendant to put forth his case, if any. If

application is allowed, it will not cause hardship upon plaintiffs. However, if application is rejected it will cause hardship upon the defendant. Therefore, for the just decision of case and to decide the matter on merit, application needs to be allowed. Cost will suffice purpose. Hence, I pass following order –

– **ORDER** –

Application is allowed subject to cost of Rs.100/–
(Rs. One hundred Rupees only) to be paid to the
plaintiff on or before next date without fail.

Place :– Yeola.

Date :– 11/02/2021

(N.N. Chintamani)
Civil Judge, J.D., Yeola,
Dist.Nashik.