


MHNS190019512022 	R.C.S.No.246/2022 Prabhakar Dattu Pendhare Alias Pendharkar. Vs. Subhash Dattu Pendhare Alias Pendharkar & Ors.
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**ORDER BELOW EXH. NO.39**

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 that for want of some documents he failed to file the 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 delay is delay is not properly explained. Hence, 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 defendant No. 1 that for for want of some documents he failed to file the written statement within the stipulated period. On the other hand the plaintiff prayed for the rejection of the application. This is the suit for declaration, partition and permanent injunction and therefore in order to decide the real controversy between the parties it is necessary to give an opportunity to the defendant. 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.

Date: 12.08.2025.

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