

Order below Exh. 17 in R.C.S. No. 13/2016.

1] Defendant No.1 has moved this application supported by an affidavit for condoning delay and and permit him to file written statement on record. He submitted that, the plaintiff has instituted this suit for perpetual injunction and consequential reliefs thereof. After his appearance he has to file written statement within stipulated period, however he did not available necessary documents required for written statement at the earliest, therefore, he could not file written statement within time. He further submitted that, delay caused in filing written statement be condoned in the interest of justice in order to give opportunity to contest the suit. Hence, prayed for allowing application.

2] Other side has given say on application itself and submitted that application is not true and legal. The grounds shown for delay are not genuine. Hence, prayed for rejection of application.

3] Considering the submissions and nature of suit, it appears that this is a suit for perpetual injunction. Till today the matter is yet pending on unready board, therefore, no prejudice will be caused to plaintiff if defendant No. 1 is permitted to file written statement. Par contra, in order to decide the real question in controversy between the parties on merits, written statement of defendant No.1 is necessary on record. It is true that in ordinate delay has been caused in filing written statement, however said delay can be condoned by saddling cost on defendants. Hence, I pass following order :

**ORDER**

- 1] Application Exh. 17 is allowed subject to cost of Rs.500/- (Rupees five hundred only), out of which Rs. 250/- be deposited with Taluka Legal Aid Service Committee, Sinnar and Rs.250/- be paid to the plaintiffs.
- 2] On payment of cost, delay is condoned and defendant No. 1 is permitted to file written statement on record.

Sd/xxx

Place : Sinnar.        }  
Date : 08.03.2017.}

( S. N. Ratkanthwar-Jawadwar )  
Civil Judge (Junior Division), Sinnar.