

**ORDER BELOW EXHIBIT- 23.**

**01** The present application has moved by the defendant for condonation of delay and for permission to file written statement.

**02** Heard learned Adv. Mande for the defendant and learned Adv. Bharindwal for the plaintiff.

**03** The learned Adv. Mande has submitted that due to lack of informant and lock down the defendants have failed to file written statement within limitation. If the permission is not granted to file written statement it would caused prejudice to them. Therefore, he prayed for condonation for filling written statement and for permission to file written statement.

**04** Per contra, the learned Adv. Bharindwal has submitted that the application is not tenable. The contention in the application are false and not proper. The application is not supported any medical document. Only to delay the matter defendants are filed this application. He prayed for rejection of application with heavy costs.

**05** Perused record. It appears that suit summons served on defendant vide Exh.08. As per record defendant appeared on dated 22.12.2020 and sought time for filing written statement. Further it appears that adjournment has been granted vide Exh.14, 16, 19, 20. Thereafter, defendant has filed this present application on dated 18.09.2021. The application is filed along with written statement.

**06** However, the contention in the applicatin does not appears to be satisfactory. However, as the trial yet not commenced, as the plaintiff has not lead his evidence by filing evidence on affidavit, if the permission is granted to the defendant to file his

written statement, no prejudice would cause to the plaintiff. Per contra, to decide the matter on merit and to avoid multiplicity of litigation, it is necessary to give an opportunity to the defendant to file his written statement. Per contra, the other party can be compensated for the delay caused. Considering above all, I pass the following order:

**ORDER**

The application is allowed subject to costs of Rs.500/- be given to other side.

Date :- 15.10.2022

(M. M. Alone)  
Civil Judge Junior Division,  
Igatpuri