

ORDER BELOW APPLICATION (EXH.63) IN Spl.C.S.No.38/2023

1. The present application is filed by defendant no. 5 to condone the delay caused to file Written Statement on record for the reasons mentioned in the application. The said delay is not deliberate. Hence, he prayed to condone the delay and permission be kindly granted to file Written Statement.

2. The learned advocate for the plaintiff by filing his say overleaf of the application has resisted the application and prayed for rejection of the application with heavy costs.

3. Heard both sides at length. Considering the nature of suit and in order to determine the real question in controversy between the parties and to adjudicate the matter effectively and completely and to settle all questions involved in the suit and to avoid multiplicity of the proceeding and to decide the matter on merits, an opportunity should be given to defendant no. 5. At the same time, taking into consideration the delay and the inconvenience caused to plaintiff, it would be just and proper to allow this application with reasonable costs. Accordingly, following order is passed -

ORDER

- (1) Application is allowed subject to costs of Rs. 1,000/-.
- (2) The delay is hereby condoned and defendant no. 5 is permitted to file Written Statement on record.

Igatpuri.
Date : 25.07.2025.

(Yashshree Marulkar)
Civil Judge Senior Division,
Igatpuri.