

Order below Exhibit No. 17

1 Perused application and Say filed to it by plaintiffs. Perused the record and proceeding. Heard.

2 Present application filed by the defendant Nos. 1 to 3 for condonation of delay and for accepting their written statement. It is their contention that requisite paragraph wise information has not been received from the concerned office, therefore, there is delay to file written statement. Hence, it is necessary to condone the same. They prayed for allowing this application.

3 Plaintiffs resisted this application by contending that written statement has not filed within stipulated period. They have intentionally delayed to file their written statement to prolong the matter. Thus, they prayed for rejection of this application.

4 On perusal of record, it appears that summons have been served on defendant Nos. 1 to 3 on 15-11-2014 and 05-12-2014 respectively. Learned AGP filed his appearance memo on 12-12-2014 since then till today after obtaining some time they have not filed their written statement. Today defendant No.2 has filed his written statement along with this application and defendant Nos. 1 and 3 filed adoption pursis of it. No doubt, there is delay caused on the part of defendants to file their written statement. However, considering the nature of present suit i.e. one of mandatory injunction and possession and the status of the

defendants, it is necessary to provide an opportunity to them to file their pleading to defend this suit. Moreover, till date no specific order of proceeding of this suit without their written statement has been passed. In application itself, it has been mentioned that paragraph wise information has not been received from concern department, therefore, there is delay. Said reason appeared to be just and proper. Considering all these aspects, present application deserves to be allowed. In the result, I proceed to pass the following order.

Order

- 1 Application Exh. 17 is hereby allowed.
- 2 Written statement filed by defendant No.2 is hereby accepted.

Date :- 22-07-2015

Sd/-
(R.V. Jagtap)
Civil Judge, S.D., Bhoom