

**Order below Exh.31 in R.C.S.No.09/2023**

Ramchandra Bandal Vs. Sarubai Bandal &amp; Ors.

(Passed on 11/07/2024)

1. This application is filed by defendant no.3 for condonation of delay for filing written statement. It is contended that, the defendant No. 3 is teacher at Palghar District and he did not received the required documents with summons, therefore he could not able to give instructions to his advocate. The delay is not deliberate. Therefore prayed to condoned the delay for filing written statement.

2. Plaintiff filed say and contended that the present application is filed only to prolong the matter. Hence, he prayed to reject the application with heavy cost.

3. Heard both sides. On perusal of record it shows, defendant no. 1 to 9 appeared in the suit on 24/01/2024. The present application is filed by the defendant No.3 on 25/04/2024. The reason mentioned is ois teacher at Palghar District and he did received the required documents within time. The suit is for declaration, permanent injunction and cancellation of sale deed. Defendants are necessary parties and without their presence the suit cannot be conclude finally. But due to the conduct of defendant No.3, there is a delay. Considering the principle of natural justice, it is necessary to give opportunity to the defendants of being heard. Therefore, I pass following order.

**ORDER**

1. Application Exh.31 is allowed subject to cost of Rs. 200/- to be deposited to Legal Aid, Bhor.
2. Written Statement be accepted after depositing the cost.

Date – 11/07/2022

(Smt. Meena W. Jadhav)  
Jt.Civil Judge Jr.Division,  
Bhor.

**CERTIFICATE**

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court :- Hon'ble Smt. Meena W. Jadhav  
C.J.J.D. & J.M.F.C., Bor, Pune

Name of the Steno :- M. S. Kondhare L.G.

Date of Order :- 11/07/2024

Signed by P.O. :- 11/07/2024

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