

R.C.S No. 75-2019

Sanjay V/s Laxman

CNR NO. MHPU13000-275-2019

ORDER BELOW EXH-38

1. This is an application for condonation of delay for filing the written statement. According to the defendant no. 2, he appeared through his advocate on 08-04-2019 but he failed to file w.s. within limitation for the reason of non-availability of necessary documents for filing written statement. Delay is for 60 days. Therefore, no w.s. order has been passed against defendant no. 2. According to defendant, he has share in the suit property. Therefore, his written statement filed on record is necessary. Hence, defendant no. 2 to pray for allowing this application.

2. On the contrary, say of the plaintiff filed on Exh. 42. According to the defendant, as per the statutory provision under Order 8 Rule 1 of Code of Civil Procedure within 90 days. Defendant no. 2 has to file his w.s. within 90 days. The reason mentioned for delay in the application is not consonance as well as no document has been file by the defendant to explain delay. Therefore, prayed to reject this application.

3. Perused the application ans say. Heard ld. advocate for the plaintiff and defendant. Despite of ample opportunity the defendant no. 2 failed to file his w.s. As already mentioned that, statutory limit for filing w.s. is 30 days which is extent to 90 days vide Order 8 Rule

1 of Code of Civil Procedure but proper adjudication of the matter and to decide the matter on merit, it would be just an proper to allow this application with costs of Rs. 500/-.

Saswad
Date:-06/01/2020

(Smt. D. M. Patil)
Civil Judge Junior Division
Saswad

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno : Mr. K. N. Chopade, Stenographer
(Grade 3)

Court Name : Smt. D. M. Patil
C.J.J.D. & J.M.F.C., Saswad.

Date of Order : 06/01/2020

Order signed by presiding officer on : 06/01/2020

Order uploaded on : 08/01/2020