

Common Order below Exh.17 & 19.

(Date : 20.08.2025)

Present applications have been filed by defendant for condonation of delay and setting aside No W.S. order passed against him. Plaintiff resisted the applications by filing say at Exh.21 and 22.

2] It has been contended on behalf of defendant that though he appeared failed to file W.S./Say within stipulated time due to non-availability of relevant documents and non access to site. Therefore, suit proceeded without W.S. Delay of 7 days has been caused to file the W.S./Say. The delay is not deliberate. On the other hand plaintiff contended that the reason given by the defendants is not proper and deliberately caused delay to prolong the matter. Hence, prayed to reject the applications.

3] Perused. Heard. It appears that defendant though appeared through their advocate failed to file written statement within stipulated period. Therefore suit is proceeded without W.S. The suit is for declaration, possession and injunction. The reason given by the defendant to file W.S./Say within stipulated period is not proper. Sufficient opportunity was available with defendant. It is seen that defendant has caused delay deliberately and applied for filling written statement. However, in order to decide the suit between the parties conclusively W.S. needs to be accepted. It would be proper to decide the matter on merit. Delay can be compensated by awarding cost. Hence, I proceed to pass the following order :

ORDER

The applications are allowed subject cost of Rs.200/-.

Place : Saswad.
Date : 20/08/2025.

[**Tukaram P. Mote**]
Jt. Civil Judge (J.D.),
Saswad, Dist. Pune.

CERTIFICATE

I affirm that, the contents of this P.D.F file of order are same as per the original order.

Name of Stenographer	:: Santosh K. Panchal, Stenographer (Grade - III),
Name of the Court	:: Shri. T. P. Mote, Jt. C.J.J.D. & J.M.F.C., Saswad, Dist. Pune
Date of Order	:: 20.08.2025
Order signed by P.O. on	:: 20.08.2025
Order uploaded on	:: 20.08.2025