

**Order below Exh.27.**  
**( Date : 25.11.2025 )**

Present application is filed on behalf of defendant nos.1, 2 and 4 for condonation of delay caused to file the W.S. Plaintiffs resisted the application by filing say.

2] It has been contended on behalf of defendants that, the plaintiffs filed present suit for partition and possession. On 05.03.2025 defendant no.2 appeared in the Court and orally sought adjournment to file Vakalatnama, but on 18.06.2025 he failed to file Vakalatnama and W.S. Defendant no.1 is old aged person, therefore failed to contact his lawyer and file W.S. and Say. Therefore, delay of 111 days caused to file their W.S./Say. The said delay is not deliberate. If said delay is not condoned, they will suffer irreparable loss. Hence, prayed to allow the application. On the other hand, advocate of plaintiffs contended that, W.S. ought to have been filed by defendant within 90 days from service of summons. There is delay of 167 days. After completion of 90 days, the suit proceeded without written statement against defendants, but they have not filed application for setting aside No W.S. order. The reason given by defendants is not proper. The defendants have not given explanation of delay. Hence, prayed to reject the application.

3] Perused, heard. It appears that despite service of summons defendants failed to appear and file written statement within stipulated period. The suit is for partition, possession and injunction. Reason given by the defendants is not proper. Sufficient opportunity was available to defendants. It is seen that they have

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 application is allowed subject to Cost of Rs.600/-.

Place : Saswad.  
Date : 25/11/2025.

**[ Tukaram P. Mote ]**  
Joint Civil Judge Junior Division,  
Saswad, Dist. Pune.