



R.C.S. No.425/2017
Exh.

ORDER
CNR NO.MHPU-18-002580-2017

1. Perused application and say. Heard both the sides. Applicant/Defendant No.1 prayed for condoning the delay caused for filing W.S. Plaintiff filed their say behind back the application of the applicant.

2. Applicant submitted that he got the notice and summons of the suit on 28.12.2017 and he was present in the suit on 05.01.2018. Defendant was not able to give the certain documents and the information to their advocate hence it was not possible to file the written statement within time. Applicant further submitted that there is a delay of 9 days for filing the written statement. They submitted that it is necessary to give them chance to file the written statement otherwise heavy loss would be caused to them. Hence prayed for allowing the application.

3. Plaintiff submitted that, the application filed by the applicant is not true and correct. Applicant only want to prolong the matter. Therefore, plaintiff prayed for rejection of application.

4. The present suit is for partition and permanent injunction in respect of suit property. It is necessary that, every suit to be decided on the merit. On perusal of the application and suit it seems that the important civil rights of the applicant is involved in the suit. Therefore, it seems necessary to give a chance to the applicant to file the written statement. Therefore, the application deserves to be allowed. However delay caused can be compensated in terms of money. Hence considering the reasons stated in the application it needs to be allowed. Hence the order:

ORDER

1. Application is allowed and delay is condoned subject to depositing the cost of Rs.100/-

2. Cost be given to the plaintiff on or before next date.
3. Applicant to take note accordingly.

Date :05/02/2020

(A.T.Mangire)
Jt. Civil Judge Jr. Division, Daund

C E R T I F I C A T E

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

Name of the Steno	:- R.R.kshirsagar
Court	:- A.T.Mangire Jt. C.J.J.D. Daund
Order date	:- 05/02/2020
Order singed by the Presiding Officer on	:- 05/02/2020
Order uploaded on	:- 05/02/2020