



Madhukar Balwant Bankhele

Vs

Bajrang Mahadu Bheke

ORDER BELOW EXH. 56

1. This application is filed by defendant No.9 for condonation of delay in filing a written statement.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for defendant No.9 contended that the defendant No.9 appeared in court through his advocate. He further submitted that the defendant No.9 is living in Mumbai and there was delay in collecting the essential, old and necessary documents to file his written statement within limitation. There is 43 days delay in filing written statement. The delay was not intentional. Therefore, it is necessary to file written statement in the interest of justice and to decide the suit on merit. If written statement is read and recorded then no prejudice will be caused to the plaintiff. On the other hand, defendant No.9 will suffer irreparable loss. Hence, he prayed to allow the application and condone the delay.
4. The Ld. advocate for the plaintiff has filed say and submitted that proper reasons not mentioned in the application. Hence, he prayed to reject the application and if the Court is of the opinion to allow the application then heavy costs be imposed on defendant No.9.
5. Perused record. It appears from that the suit has filed for declaration and permanent injunction. On perusal of the application, it appears

that there was delay in collecting the essential, old and necessary documents to file written statement within limitation.

6. Further, in view of the provision of Order VIII Rule 1 of the Code of Civil Procedure, the defendant were duty-bound to submit their written statement within a stipulated period of 90 days after service of summons. However, the suit claim is for permanent injunction. The written statement is a preliminary defense of the defendants, where the defendants raises their objection to the plaintiff's claims and puts forth their version of events. Therefore, it is necessary for deciding the suit on merit.

7. If the application is rejected, the defendant No.9 will not get the opportunity to put his case on record. Considering the facts and circumstances of the suit in hand, and the reasons mentioned above, also in order to give fair opportunity of hearing, application needs to be allowed. The delay in filing the written statement can be compensated in terms of money. Accordingly, in the interest of justice and for deciding the suit on merit following order is passed.

O R D E R

- 1) The application at Exh.56 is allowed subject to a cost of Rs.500/- be paid to the plaintiff.
- 2) The written statement of the defendant No.9 is taken on record after payment of the above cost.

Sd/-

(Sneha Sunil Pulujkar)

2nd Jt. Civil Judge Junior Division,
Ghodegaon, Dist. Pune.

Date : 09/06/2026

CERTIFICATE

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

Name of the Court : Smt. Sneha Sunil Pulujkar,
2nd Jt. Civil Judge Junior Division,
Ghodegaon, Dist. Pune

Name of the Steno : J. S. Kaite, Steno Grade - III.

Order date : 09/06/2026

Order signed by P.O. on : 09/06/2026

Order uploaded on : 09/06/2026