



Babaji Savkar Gadhawe

Vs

Kailas Haribhau Gadhawe

ORDER BELOW EXH. 14

1. This application is filed by defendant for condonation of delay in filing a written statement.
2. Heard both sides. Considered their submissions.
3. The Ld. advocate for defendant contended that on 10/06/2025 the defendant appeared through his advocate. He has filed his written statement on 10/09/2025. He further submitted that there was delay in collecting the essential, old and necessary documents to file written statement within limitation. Therefore, there is 15 days delay in filing their written statement. The delay was not intentional. Hence, he prayed to allow the application and condone the delay.
4. The Ld. advocate for the plaintiff has filed say at Exh.16 and submitted that on 29/05/2025 the summons was served to the defendant. On 10/06/2025 he appeared through his advocate before Court. To support the contention in application the defendant has not filed any single document. The reasons are not just, proper and bonafide to condone the delay. The defendant is trying to harass the plaintiff. 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.
5. Perused record. It appears from that the suit has filed for partition. On perusal of the application, it appears that the 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. There is 12 days delay in filing the written statement. However, the suit claim is for partition. 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 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 of 12 days 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.14 is allowed subject to a cost of Rs.100/- be paid to the plaintiff.
- 2) The written statement of the defendant is taken on record after payment of the above cost.

Sd/-

(Sneha Sunil Pulujkar)

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

Date : 03/02/2026

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 : 03/02/2026

Order signed by P.O. on : 03/02/2026

Order uploaded on : 03/02/2026