

MHPU240005772022



ORDER PASSED BELOW EXH. 16

(Janaku Navale Vs. Vilas Navale & ors.)

Read the application of defendants and say filed thereon by the plaintiff. Perused the matter on record. Heard the Ld. Advocate appearing for defendants and the Ld. Advocate appearing for the plaintiff.

2] The present application is filed by defendants for condonation of delay to file written statement on record. It is submitted on behalf of defendants that, the compromise took place between the plaintiff and defendants. Defendants have already submitted say on Exh. 05 and wish to adopt the same as their Written Statement. The evidence is not yet commenced. To avoid technical difficulties it is necessary to condone delay. Hence, the present application is submitted on record.

3] On the contrary plaintiff has submitted his say wherein it is contended that, the reason mentioned in the application is not true and correct. No compromise took place between plaintiff and defendants. There is delay of one year. To prolong the matter defendants have deliberately filed this application. Hence, he prayed reject the application with heavy cost.

4] On the perusal of matter on record it appears that, this suit is presented for the relief of partition and perpetual injunction. The question of landed property is involved in the present suit. Further, on the perusal of matter on record it appears that, defendants have sufficient cause which prevented them from filing their written statement on record within

Regular Civil Suit No. 78/2022

stipulated time. It is important to note that, plaintiff can be compensated by imposing costs on defendants. Considering the nature of suit, satisfactory grounds in the application and in the interest of justice, it would be worthwhile to allow the application filed by defendants for the purpose of determining the real question in controversy between the parties. Hence, the order.

ORDER

- 1] Application (Exh.16) is allowed.
- 2] Delay to file Written Statement of defendants is hereby condoned.
- 3] Defendants are allowed to file their Written Statement on record as prayed for, subject to payment of costs of Rs. 2,000/- payable to the plaintiff.

Date : 04.02.2025

(Smt. S. N. Hurgat)
Civil Judge Junior Division,
Ghodegaon, Tal. Ambegaon, Dist. Pune.