

ORDER BELOW EX.58 IN R.C.S.24/2015

Pundalik Kambari & Ors. ... plaintiffs

Vs.

Damu Kambari & Ors. ... Defendants

Perused application. This is an application filed on behalf of defendant no.25 for condoning the delay caused for filing W.S. It is submission of defendant no.25 that due to his illness he could not collect the necessary documents from concern authority and, therefore, he could not file his W.S. in time and delay of 168 days was caused. Now by this application he prayed to condon delay. It is his submission that if the W. S. is not taken on record, irreparable loss will be caused to him. He filed affidavit in support of his application below Exh.59.

2. Plaintiff has given his say below Exh.61 and contended that the reasons mentioned in application are false. They have not filed any medical certificate in respect of their illness and, therefore application be rejected with heavy cost.

3 Perused the affidavit. Considering the reasons mentioned in the application I am of the opinion that to avoid multiplicity of proceeding and in the interest of natural justice the application be allowed. But due to act of defendant no. 25 delay of 168 days was caused for the proceeding. Therefore, defendant no. 25 is liable for cost. Hence the order -

ORDER

- 1) Application is allowed with cost of Rs.500/- .
- 2) After paying cost the defendant no. 25 to file his Written Statement.

Karjat.

Date : 26/07/2016

(S.B.Yadav)

Jt.Civil Judge Jr.Divn., Karjat.