

ORDER BELOW EX.56 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.s 21 & 22 for condoning the delay caused for filing W.S. It is submission of defendants that due to their illness they could not give necessary information and documents to their advocate and, therefore, he could not file his W.S. in time and delay of 212 days was caused. Now by this application they prayed to condone delay. It is their submission that if the W. S. is not taken on record, irreparable loss will be caused to them. They filed affidavit in support of their application below Exh.57 of Shri.Ganesh Kambari.

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.s 21 & 22 delay of 212 days was caused for the proceeding. Therefore, defendant no.s 21 & 22 are liable for cost. Hence the order -

ORDER

- 1) Application is allowed with cost of Rs.500/- .
- 2) After paying cost the defendant no.s 21 & 22 to file their Written Statement.

Karjat.
Date : 26/07/2016

(S.B.Yadav)
Jt.Civil Judge Jr.Divn., Karjat.