

**ORDER BELOW APPLICATION (EXH.12) IN REGULAR CIVIL
SUIT NO. 15/2016.**

The present application has been filed by the defendant praying for condonation of delay in filing his written statement and further he also prayed to accept the written statement on record. It is alleged by the defendant that, as he could not get relevant documents and as he could not contact his advocate in time there was delay of 30 days for filing of his Written Statement. If the Written Statement is not taken on record in this case he would not be able to defend his suit and he would not also be able to lead his evidence. Due to that he would have to face irreparable loss. In such circumstances, he prayed to allow the application. Advocate for the plaintiff submitted that the reasons mentioned in the application are not sufficient and legal one and therefore, the application deserves to be dismissed and if at all it is allowed, it may be allow with the costs.

2. Heard both advocates at length. Perused application (Exh.12) and Say of the plaintiff. The principle of the law is that every matter should be heard and decide on merit. Every person should be given opportunity to plead his own case. For determining real controversy between the parties and to settle all the issues in the suit and taking into consideration the stage and nature of suit and to avoid the multiplicity of proceedings and complete and effectual final adjudication of disputes, it would be reasonable to allow this application. Hence, I pass the following order :

ORDER

1. Application is allowed subjected to costs of Rs.300/-.
2. Written Statement of the defendant be taken on record.

Khalapur.
Date : 30/01/2017

(Y.P.Marulkar)
Civil Judge, J.D. Khalapur.