

**ORDER BELOW EXH. 40**

The present application is filed by the defendant nos. 1/1 to 1/6, 2/1, 2/2 for condonation of delay in filing written statement. The plaintiff has filed say and strongly objected the contention of defendants. Heard learned advocates for both the sides.

2. Perused record. The defendants appeared in the present suit on 28.06.2016. The statutory period to file written statement is within 30 days, extendable upto 90 days, which is already been lapsed. The present application is filed on 09.12.2016. There is delay of 80 days. The reasons mentioned in the application for condonation of delay is that defendant nos.1/1 to 1/6, 2/1, 2/2 are senior citizens. They were ill due to old age. Therefore, they were not able to collect the relevant documents in time. Hence, there was delay in filing the written statement. Hence, they prayed that application be allowed.

3. The reason mentioned in the application is not sufficient for delay condonation. But, in order to decide the case on merits, it is necessary to give an opportunity to defendant nos. 1/1 to 1/6, 2/1, 2/2 for filing written

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statement. Thus, the application deserves to be allowed. In the result, I pass the following order.

**ORDER**

The application is allowed subject to cost of Rs. 200/- to be paid by defendant nos. 1/1 to 1/6, 2/1, 2/2 to the plaintiff.

**Place: Khalapur**  
**Date : 13.06.2018**

**(S.M. Gade)**  
**Civil Judge, J.D., Khalapur**