



ORDER BELOW EXH.47

1. The present applications is filed by the defendant no.1 for condonation of delay to file written statement. The plaintiff has filed say and strongly objected the contention of defendant. Heard learned advocates for both the sides.

2. Perused record. The defendant no.1 appeared in the present suit on 04.06.2019. The statutory period to file written statement is within 30 days, extendable upto 90 days, which was already been lapsed. The present applications is filed on 19.09.2019. There is delay of 16 days. The reasons mentioned in the application for condonation of delay was due to hospitalization of his child. Therefore, defendant was not able to file written statement. Hence, he prayed that application be allowed.

3. The reason mentioned in the application is sufficient for delay condonation. In order to decide the case on merits, it is necessary to give an opportunity to defendant no.1 for filing written statement. Thus, the applications deserves to be allowed. In the result, I pass the following order.

ORDER

1. The applications is allowed.
2. The delay of 16 days for filing written statement is hereby condoned subject to cost of Rs.100/- to be paid by defendant no.1 to plaintiff.

**Place: Khalapur**  
**Date : 18.11.2021**

**(R.D.Wabale)**  
**Civil Judge, J.D., Khalapur**