

ORDER BELOW EXH.21

1. The present application is filed by the defendant no.1 and 2 for condonation of delay in filing written statement. The plaintiff has filed say and strongly objected the contention of defendant no.1 and 2 Heard learned advocates for both the sides.

2. Perused record. The defendant no.1 and 2 duly served on 30.05.2019. The defendant no.1 and 2 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 is already been lapsed. The present application is filed on 06.01.2020. There is delay of 120 days. The reasons mentioned in the application for condonation of delay is that relevant documents were not available. Therefore, he was not able to file written statement. Hence, he 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 no.1 and 2 for filing written statement. Thus, the application deserves to be allowed. In the result, I pass the following order.

ORDER

1. The application is allowed.
2. The delay of 120 days is hereby condoned subject to cost of Rs. 1000/- to be paid by defendant no.1 and 2 to plaintiff.

Place: Khalapur

Date : 03.02.2020

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