

ORDER BELOW EXH. 26

1. The present application is filed by the defendant No. 4, 5 & 7 to 9 for condonation of delay in filing 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 summons were duly served on the defendants. The statutory period to file written statement is within 30 days, extendable up to 90 days, which is already been lapsed. The present application is filed on 09.11.2020. There is delay of 1 year and 9 months. The reasons mentioned in the application for condonation of delay is that defendant was unable to file written statement due to covid pandemic, as well as want of necessary document. Hence, there was delay in filing the written statement. Therefore, 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 for filing written 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. 500/- to be paid by defendant to the plaintiff.

**Place: Khalapur
Date : 16.09.2022**

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

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

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| (a) | Name of the Stenographer | : M. S. Shirgire, Steno. (L.G.) |
| (b) | Court | : Shri. R. D. Wabale
C.J.J.D. & J.M.F.C., Khalapur |
| (c) | Date of Judgment/Order | : 16/09/2022 |
| (d) | Judgment/Order signed by the
Presiding Officer on | : 16/09/2022 |
| (e) | Judgment/Order uploaded on | : 16/09/2022 |