


<p>CNR No. MHRG080002642021</p> 	<p><u>R.C.S. No.64/2023</u></p> <p>Vasant Raghoba Aambre and Ors.</p> <p>Vs.</p> <p>Sulochana Tukaram Dalavi and Ors.</p>
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**ORDER BELOW EXH. 28**

1. This is an application filed by defendant No.12 for condonation of delay caused to file written statement on record. It is the contention of defendant No.12 that, suit summons duly served to defendant No.12 on 08/11/2023. It is required to file written statement till 06/02/2024. It was not possible to defendant No.12 to compile all the documents regarding suit property and submit the same to his advocate due to his old age and continuous illness. Due to this he failed to file written statement on record within time. Defendant No.12 has not intentionally caused delay in the matter. Therefore, defendant No.12 prayed for condonation of delay.

2. The plaintiff has filed his say on the application itself and strongly objected the application. It is the contention of the plaintiff that, the application is not supported with any document. The ground for delay is not proper. Therefore, application be rejected. If allowed heavy cost be imposed on defendant No.12.

3. Heard both the sides.

4. Perused the record. The present suit is filed for declaration, partition, possession and permanent injunction. The subject matter of the suit are immovable properties. Summons served to the defendant No.12 on 08/11/2023 Present application is filed on record on 06/08/2025. The application is also supported with an affidavit. Considering the reason for delay, the application deserves to be allowed. The record shows that defendants have caused huge delay in filing written statement on record. Therefore, costs is to be saddled upon him. Considering the nature of suit if the present suit is proceeded further without written statement of defendant No.12, then it will cause

prejudice to his rights. In the result, I pass the following order :-

**ORDER**

1. The application is allowed and delay is condoned and permission is granted to file W.S. on record, subject to costs of Rs. 1500/- (Rs. One Thousand Five Hundred Only) payable to plaintiffs.
2. The payment of costs shall be condition precedent and if defendant No.12 fail to pay costs amount to plaintiff till next date, then this order shall automatically stands vacated.

Date:- 15/09/2025

**(Smt. D.S. Khot)**  
Jt. C.J.J.D., Khalapur.