



ORDER BELOW EXH. 32 IN R.C.S. No. 36/2023

This is an application filed by Ld. Advocate for defendant no. 1 to 3 to condone delay to file written statement. Application is supported by an affidavit at Exh. 33. It is contended in the application that, there is a delay of 120 days to file written statement. Defendant no. 1 is a lady whose husband is dead. Therefore, she is a sole person who is handling all responsibilities. Defendant no. 2 and 3 are children of defendant no. 1 and they are taking education. Defendant no. 1 to 3 resides at Wada village in Dist. Palghar. Therefore, it was not possible for defendant no. 1 with all her responsibilities to get the papers from concern revenue offices. It is highly difficult for defendant no. 1 to 3 to travel from Wada i.e. for 200 k. m. till Mahad. The case will be prove and decided on merits. Therefore, opportunity to these defendant nos. 1 to 3 be given to file their W. S. otherwise it will cause irreparable loss to these defendants.

Other side i. e. plaintiff has filed his say on application itself and contended that, application is false and frivolous, V. P. is filed on record on 22/03/2025. It is a willful delay to file W. S. and say. There is no documentary proof with these defendants. Prayed for rejection of application. In alteration plaintiff has also prayed for, if Court thinks fit, to allow the application then heavy cost may be imposed.

Heard both sides. Perused record along with application

and say thereon. If opportunity is given and delay is condoned then no harm and no loss will cause to the plaintiff. On the other hand if no opportunity is given to the defendant it may cause irreparable loss to the defendant. Allowing this application will not go to the root of this case. Hence, the application is allowed in the interest of justice. Delay of 120 days to file written statement and say is condoned subject to cost of Rs. 1000/- to be paid to the plaintiff. Application is disposed of accordingly.

Mahad,
Date : 09/04/2026

(P. S. Mali)
Jt. C.J.J.D, Mahad