

MHRG110003132017



**ORDER BELOW EXH. 37 IN R. C. S. NO. 50/2017**  
**(Passed on 12.07.2022)**

This is an application filed for condonation of delay for filing the written statement and say on temporary injunction application on record in the counter-claim. The present application is filed alongwith written statement. (The plaintiffs and defendant are called as per original suit's nomenclature.)

2. This is a suit for declaration and perpetual injunction and counter-claim for cancellation of death certificate, declaration and perpetual injunction.

3. The defendant has filed say and submitted that the the plaintiffs has not filed medical documents on record and the plaintiffs intentionally delay in filing said application for prolong the matter. Hence, pray to reject the application with costs.

4. Heard learned counsel for the parties.

5. I have gone through the application and say. The reason is given for causing delay for filing written statement on record is pandemic situation due to corona virus. It is true that, situation was quite serious after the time of filing written statement on record, but thereafter the plaintiffs have opportunity to file written statement. However, they could not filed written statment on

record. I find that no prejudice will be caused to the defendants, if the application is allowed then nature of suit will not change. It is appears that, the written statement and say is essential to decided the controversy between the parties and avoid multiplicity of proceeding. Considering, the reasons it is just and proper to condon the delay for filing written statement on record. So far as, delay in filing written statement and say is concerned, by awarding costs to the defendant, it will suffice the purpose. Therefore, I am of the opinion that the delay should be condoned. Hence, I pass the following order :

**ORDER**

1. Application (at Exh. 37) is allowed subject to costs of Rs. 500/- (Five Hundred Rupees only) to the defendant.
2. The written statement and say of the plaintiffs be taken on record.

Mangaon,  
Date : 12.07.2022

(G. C. Fulzalke)  
Civil Judge Junior Division,  
Mangaon, Dist. Raigad.