

MHRG110007542019



**Order below Ex. 14 in R.C.S. No. 109/2019**

1. By this application, defendant has sought for setting aside No Written statement order dtd.03/03/2020. It is averred that, since inception of filing of present suit there was compromise talks between her and plaintiffs were going on and therefore, delay of 02 years and 10 months is caused to file the Written Statement.
2. Plaintiff resisted the application by filing say at Exh.16, contending that ground for inordinate delay of 02 years and 10 months is not true and the delay is deliberate. Hence, prayed to reject the application.
3. Heard the both sides. Perused the relevant record.
4. Considered the facts and circumstances of the case in addition to the ground for delay. The application is supported by the affidavit defendant. Admittedly, no Written Statement order is passed. Though there is inordinate delay in filling Written Statement, it does not appear to be deliberate and plaintiffs can be saddled with costs. For fair trial and in the interest of justice application needs to be granted on costs. Hence, the order.-

**-: ORDER :-**

- 1 The application is allowed.
2. Delay of 02 years and 10 months caused to file the Written Statement is condoned subject to costs of Rs.2000/-. Costs shall be paid to plaintiffs on or before next date.

(M. S. Pathare)

Date: 19/04/2023.

3<sup>rd</sup> joint Civil Judge J.D, Mangaon.