

ORDER BELOW EXH. 35 IN R.C.S.NO 33/2020

This an application filed by defendant no. 3/1, 5/1 to 5/6, 6/1 to 6/3 for seeking condonation of delay of filling written statement on record.

2. Read application and say filed by plaintiff at Exh. 35 heard both the parties at length. Perused document produced on record. The Ld. Advocate for defendant Shri. M.M.Mokal submits that the present suit has been filed by plaintiff for partition, declaration and ancillary relief. The contention of defendant is that, the suit summons were serve to the defendant no. 5/1 to 5/6, 6/1 to 6/3 on 16.03.2020 whereas defendant no. 3/1 appeared on 02.02.2021. It was expected that the W.S. shall file on record within statutory period i.e. 90 days. However, due to outbreak of pandemic defendant could not filed W.S. on record within limitation. It is submitted defendants have no intention to delay or to protract the present proceeding. The reason is bona-fide and legitimate hence delay 50-60 days may kindly be condoned in the interest of justice as substantive interest of defendant involved in the present suit. In the other hand, if defendant refused to place W.S. on record it may cause hardship or his defense may frustrate.

3. The reason cited by defendants to file written statement on record within the stipulated period is appears bona-fide. Further, by filing this application they have show their intention to contest the present suit on merit. Therefore, considering the nature of the case and obliged the principle of

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natural justice I am of the opinion that opportunity need to be given to the defendants to put forth their defense. Hence, the application deserved to be allowed. Resultantly, I pass following order:-

Order

- 1) The application is allowed.
- 2) Delay of 369 days hereby condone.
- 3) No costs order.

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Date :-24.09.2021

Place :- Uran

(R. B. Pol)
Jt. Civil Judge Junior Division,
Uran.