

MHRG140016562025



ORDER BELOW EXH- 106

1. This is the application at Exhibit 106, preferred by the Defendant Nos. 1 to 4, 6, 7, 9, 10, 13 to 16, 17 to 26, 28, 29, 35, 38 to 40, 42 to 44, 49, 50, 51, and 53 (hereinafter referred to as the 'Applicant-Defendants'), praying for condonation of delay of approximately 3 months in filing their written statement/defense in the present suit.

2. The Plaintiffs have instituted the instant suit against the Defendants seeking a decree for declaration of civil rights, perpetual injunction, and other ancillary reliefs.

3. The Applicant-Defendants, through their present application, have submitted that upon being served with the summons and notices of the suit, Defendant Nos. 1, 2, 4, 10, 13, 16, 21, 22, 24, 26, 28, 29, 31, 34, 39, 41 to 43, 45, 47, 49, and 53 entered their appearance through their retained advocate on 16/09/2025. Subsequently, Defendant Nos. 3, 6, 7, 9, 14, 15, 19, 20, 23, 25, 35 to 38, 40, 44, 50, and 51 entered their appearance through their advocate on 05/12/2025.

4. The Applicant-Defendants contend that they are laypersons residing in rural locales and lacked proper knowledge of the technicalities of civil procedure. They were initially startled by the receipt of court summons and did not comprehend the immediate necessity of entering an appearance, appointing counsel, and procuring relevant documents. It is further submitted that once they received advice from third parties, they initiated steps to secure necessary public and government records to prepare a robust written statement. However, due to administrative delays in procuring these official documents from government offices, they could not supply the requisite paperwork to their counsel in time. This has collectively accumulated a delay of approximately 3 months in presenting their written statement. They assert that the delay is purely unintentional, devoid of mala fides, and that they will suffer irreparable loss if shut out from placing their defense on record.

5. The Plaintiffs have strongly opposed the application by filing their reply/say at Exhibit 107. The Plaintiffs contend that the grounds urged by the Applicant-Defendants are vague, illusory, and do not constitute 'sufficient cause' under the law. It is submitted that the delay is a deliberate tactic to prolong the litigation and delay the administration of justice. The Plaintiffs, therefore, pray for the rejection of the application, or alternatively, in the event the court is inclined to condone the delay, the imposition of heavy exemplary costs.

6. To determine the controversy, it is necessary to examine the provisions of Section 5 of the Limitation Act, 1963, read with Order VIII Rule 1 of the Code of Civil Procedure, 1908. It is a well-settled principle of civil jurisprudence that in ordinary, non-commercial civil suits, the statutory timelines prescribed under Order VIII Rule 1 of the CPC for filing a written statement are directory and not mandatory. The court retains the judicial discretion to accept a written statement beyond the prescribed periods to ensure that the parties are afforded a fair opportunity to contest the suit on its merits, provided that the delay is not a result of gross negligence, deliberate inaction, or mala fides.

7. The expression 'sufficient cause' under Section 5 of the Limitation Act, 1963, must receive a liberal construction to advance substantial justice. Unless there is evidence of deliberate delay or dilatory tactics designed to harass the opposing party, the court should lean in favor of adjudication on merits rather than throwing out a party's defense on hyper-technical procedural defaults.

8. Turning to the facts of the present case, the record shows that a large number of defendants are involved in this suit. The defendants entered their appearance in separate batches on 16/09/2025 and 05/12/2025. Given the complexity of coordinating amongst multiple co-defendants, coupled with their rural background and the demonstrated need to procure certified copies of various public land records to draft an accurate written statement, the delay of approximately 3 months is plausible and understandable. No

element of bad faith or intentional disregard for the authority of this Court is visible on the face of the record.

9. On the other hand, if the delay is not condoned, the Applicant-Defendants will be permanently barred from raising their defense, which would cause them grave and irreparable injury, potentially resulting in an ex-parte decree. Conversely, the prejudice caused to the Plaintiffs due to the loss of time can be adequately mitigated and compensated by imposing reasonable monetary costs.

10. Therefore, to subserve the ends of justice and facilitate a comprehensive adjudication of the rights of the parties, this Court finds it fit to condone the delay, subject to the payment of reasonable costs. Hence, I proceed to pass the following order:

ORDER

1. This Delay Condonation Application at Exhibit 106 is hereby allowed.
2. The delay of approximately 3 months in filing the Written Statement by Defendant Nos. 1 to 4, 6, 7, 9, 10, 13 to 16, 17 to 26, 28, 29, 35, 38 to 40, 42 to 44, 49, 50, 51, and 53 is condoned, subject to the payment of costs of Rs. 1,500/- (Rupees One Thousand Five Hundred Only) to be paid to the Plaintiffs on or before the next date of hearing.

3. The Applicant-Defendants shall file their Written Statement on the record on or before the next date, subject to the deposit/proof of payment of the aforesaid costs.
4. If the Applicant-Defendants fail to pay the costs or file the written statement as directed, this order shall stand automatically vacated without further reference to this Court.

Uran

Date – 24.07.2026

S. P. Wankhade
(Civil Judge J. D. Uran)