

MHRG140010002023



Order below Exhibit 26

in

RCS No. 128/2023

1. The application at Exhibit 26 has been filed by the defendant no.1 to 4 to condone the delay to file their written statement.
2. The above defendants have submitted that there was possibility of compromise between the parties. The plaintiff has also stated that they will withdraw the suit and told them not to come to the court. Based on that assurance, the defendant did not appeared. There is a delay of 222 days in filing their written statement. It is crucial for defendants to furnish their written statement. Therefore, the said application may be allowed.
3. Plaintiff has opposed the said application on the ground that the reason in this application is not satisfactory. No justifiable reason has been mentioned in the application. Defendants have purposely not filed their say on time. Therefore, the present application may be rejected.
4. Heard both sides. Perused the record.
5. Indeed, there is a delay in filing written statement by defendant no. 1 to 4. However, opportunity must be given to the defendants to lay their defense. It would be essential for the effective and fair adjudication of the case.

6. Considering above reason and in the interest of justice, opportunity is required to be given to defendant no. 1 to 4 for just decision of the case on merits. However, delay caused in filing written statement needs to be compensated. Hence, costs of Rs.2000/- will suffice the purpose. Consequently, I proceed to pass following order:

::ORDER::

1.	Application at Exhibit 26 is allowed.
2.	The delay in filing the written statement by defendant no. 1 to 4 is condoned subject to cost of Rs. 2000/- to be paid to plaintiff.

Place :Uran
Date : 28.01.2025

(Ms. G. K. R. Tandon)
2nd Jt Civil Judge, J.D.,
Uran