

ORDER BELOW EXH.13 IN R.C.S. No.71/2024
(Shivanand Pandhare & Ors. V/s. Birappa Yeldari & Ors.)
(CNR No.MHSN080007472024)

Defendant Nos.1 to 3 have moved this application for condonation of delay in filing their written statement. It is contended that the defendants are illiterate, they do not have legal knowledge. So also, they used to go outside for their livelihood. Due to which, they could not provide necessary information and documents to their Counsel. Therefore, they could not file written statement within stipulated period. Resultantly, delay caused in filing their written statement. Hence, prayed to allow the application.

2. On the contrary, learned advocate on behalf of the plaintiffs have filed say and denied all the contention in toto. The defendants have deliberately caused delay in filing written statement. No documentary evidence has been filed by the defendants in support their contention. Hence, prayed to reject the application and in the alternative, prayed to impose costs, if Court allows the application.

3. Heard both the sides. Perused the record. It is generally expected that each matter shall be decided on its own merits. If the defendants are denied the right to file written statement, then matter will not be decided on merits. There would not be just and fair trial in absence of the defendants. So far as the prayer of plaintiffs for imposing costs is concerned, the delay appears to be nominal. Therefore, the prayer of costs would not be just and proper. Hence, considering the principle of natural justice, the application deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

1. Application is allowed.

2. Delay caused in filing written statement of defendant Nos.1 to 3 is hereby condoned. The written statement of defendant Nos.1 to 3 be taken on record.

Jath.
Date:-06.05.2026

(Prakash C. Bachhale)
Civil Judge Junior Division, Jath.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment/order are same,
word to word, as per the original judgment/order;

Name of the Stenographer : R. B. Samalewale,

Court Name : Shri. P. C. Bachhale, CJJD, Jath.

Date of judgment/order : 06.05.2026

Judgment/Order signed by the

Presiding Officer on : 06.05.2026

Judgment/Order uploaded on : 06.05.2026