

R.C.S.No.217/2024

Anusaya Sawant V/s. Shahaji Sawant and ors

ORDER BELOW EXH.17

Perused the application filed by defendant Nos.1 and 2 for condonation of delay and setting aside No W.S. order passed against them. It is submitted that, due to non availability of necessary documents and information the defendants could not file their written statement within time. Hence, prayed for allowing the application.

2. The learned advocate on behalf of plaintiff by filing say at Exh.19 contended that all the contents of said application are false and frivolous. The defendants have filed the present application only with an intention to prolong the matter. After receipt of suit summons, the defendants filed RTS appeal against mutation entry No.1173 which is sub-judice till today. No any reasonable cause has been given by the defendants for causing delay. Therefore, plaintiff prayed for rejection of application.

3. Heard both sides. Perused the record. The defendants looks to have appeared on 19.04.2025. The application has been moved on 29.08.2025. There is a delay of about one month. The reason put forth by the defendants does not appear to be convincing. However, in the interest of justice and to maintain fairness in trial, the application deserves to be allowed. If the present application is allowed and W.S. of defendants Nos.1 and 2 is taken on record, then it would certainly help in deciding the suit on merits. However, the delay caused should be condoned subject to costs of Rs.200/-. Hence, the order:

ORDER

1. The application is allowed subject to costs of Rs.200/- to be paid to plaintiffs on or before next date.
2. After payment of costs, the written statement of defendant Nos.1 and 2 be taken on record.

Date:-30.09.2025
Jath.

(Prakash C. Bachhale)
Civil Judge Jr.Dn.,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
Date of judgment/order	: 30.09.2025
Judgment/Order signed by the Presiding Officer on	: 30.09.2025
Judgment/Order uploaded on	: 30.09.2025