

MHSN090012162023



Order below Exh.17 in R.C.S.No.204/2023

**[Bhimrao Pandurang Kambale & Anr. V/s. Mukund Pandurang Kambale
& Ors.]**

The present application is filed by defendant no.1 to 3 for condonation of delay for filing written statement.

2. By filing present application it is submitted by the defendants that, the plaintiffs have filed present suit for perpetual injunction, wherein suit summons were received by defendants and they appeared in the present matter, but as the defendant no.1 to 3 are illiterate, therefore, they could not get required documents to file the written-statement and therefore, they could not file their written statement within the prescribed time of limitation and there is delay to file the same. The delay caused is not intentional. Therefore, considering the nature of the suit delay for filing written statement may be condoned.

3. On the other hand the Ld.Advocate for the plaintiffs filed his say and submitted that, suit summons were duly served to defendants on 08.11.2023. It was necessary on the part of defendants to file their written-statement within the prescribed period of limitation, but they failed to file the same. Therefore, he prayed to reject the application with costs.

4. Heard both sides. Perused record. After perusal of record it is seen that, the present suit is filed for perpetual injunction. The record shows that, the suit summons is duly served to defendants on 08.11.2023. They appeared in the present matter on 22.11.2023. The defendants have not specifically mentioned which documents were not made available to them. The record shows that, sufficient opportunity is already given to them to file the written-statement, but they failed to file their written-statement. The suit is filed for perpetual injunction. Therefore, considering the nature of suit and contents of application, I am of the opinion that, it is necessary to give an opportunity to the defendants to file their written statement in order to contest the suit and for that purpose it is necessary to allow the present application. But while giving such opportunity to them, their conduct has to be taken into consideration. With this observation, I proceed to pass following order.

ORDER

1. Application is allowed.
2. The delay for filing written statement of defendant no.1 to 3 is hereby condoned subject to costs of Rs.300/- (Rs.Three Hundred).
3. Out of amount of costs Rs.100/- (Rs.One Hundred) be given to the plaintiffs and remaining amount of costs of Rs.200/- (Rs.Two Hundred) be credited to the Government.

TASGAON.
Date : 15.02.2024

(Omprakash M.Mali)
Civil Judge Jr.Dn.,
TASGAON.

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	: U.PPatil
Court	: Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	: 15.03.2024
Judgment/Order signed by the Presiding officer on	: 15.03.2024
Judgment/Order uploaded on	: 15.03.2024