

Order below Exhibit 69 in Regular Civil Suit no.180/2014

The defendant nos.2 to 5 have filed the present application to condone the delay for filing say and written statement. The defendant nos.2 to 5 contended that they are resided in Pune for their service. The learned advocate of defendants who was appearing in the case was died but they could not appoint new advocate and supply the necessary documents for filing say and written statement. Thereafter due to Covid-19 lockdown they were unable to remain present in Court. Therefore, they could not file their say and written statement within stipulated period. Hence prayed to allow the application.

2. The plaintiffs resisted the application contending that the application is filed deliberately belated and need not be allowed. Hence prayed to reject the application.

3. Perused the application and say. Heard both side. On perusal of the record it is appears that the suit is pertaining to partition and injunction. The defendant nos.2 to 5 appeared in the case suo-moto on 17.03.2016 as per pursis Exh.49. Hence, it is clear that, the defendant nos.2 to 5 could not filed their say and written statement within stipulated time. The defendant nos.2 to 5 filed present application on 29.03.2023. The defendant nos.2 to 5 has not mentioned in the application as to when their earlier counsel died. The application is totally vague in nature and no proper explanation of delay of 7 years and 11 days has been given in the application. The present application is filed in casual manner. Further no documents is filed on record to show that the defendant nos.2 to 5 are residing in Pune for job purpose and they were unable to attend the case. Hence, the reasons mentioned in the application is not proper and genuine. Hence the application is liable to rejected. Accordingly, I pass the following order.

ORDER

- 1) The application is hereby rejected.

Kadegaon
Date : 06.11.2024

(D.S.Sharma)
Civil Judge, (J.D) Kadegaon
Dist.Sangli