


MHSO070000432025 	<u>ORDER ON EXH. 21 IN R.C.S. No. 55/2025</u> <u>(Passed on 19th June 2025)</u>
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1. This application is filed by defendant No.3 to condone delay in filling written statement. The plaintiff has filed say on the same application. Heard advocates for both sides. Perused the record.

2. It is submitted by the defendant No.3 that, he could not receive important documents within time. Therefore, he could not file the written statement within stipulated time. There is 30 days delay for filing written statement. The delay is not intentional. He prayed to allow the application and to take written statement on record. The plaintiff objected the application by stating that, the reason mentioned is frivolous and the contents in the application are false. The defendant No.3 has filed suit against plaintiff and other persons. Thus all documents were present in the custody of defendant No.3. He is intentionally trying to delay the proceeding. If court comes to the conclusion to allow the application heavy costs be imposed.

3. It is to be noted that the defendant No.3 has been served on 25.02.2025 vide Exh.10. Thereafter the defendant No.3 has appeared through advocate on 12.03.2025. The present application is filed by defendant No.3 on 19.06.2025. Thus, the maximum permissible limitation period for filling written statement expired on

24.05.2025 for defendant No.3. The limitation period expired during summer vacation. Thereafter the date was fixed on today. Thus, there is delay of 25 days in filling written statement.

4. The present suit is filed for declaration and injunction against the defendants. It is alleged that, the defendants No.1 and 2 have declined to join the plaintiff on his post and defendant No.3 objected the appointment of plaintiff. Thereafter the plaintiff has filed this suit as his rights are injured at the hands of defendants. The reliefs are claimed against all defendants. Therefore, presence of defendant No.3 is necessary in order to adjudicate the suit on merit. It will help to adjudicate subject matter finally and will reduce multiplicity of the proceeding. However, the delay caused should be compensated in terms of money. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.21) is allowed.
2. Delay caused is condoned subject to costs of Rs. 500/- (Five hundred only) payable to the plaintiff on or before next date.
3. After payment of costs the written statement will be taken on record.

Pandharpur.
Date : 19.06.2025.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

I affirm that, the contents of this PDF file Order/Judgment are same word to word, as per original Order/Judgment.

Name of Stenographer :- D.S.Landage (L.G.)

Court :- Jt. Civil Court,J.D.,Pandharpur.

Date :- 19.06.2025.

Judgment/Order signed by :- 19.06.2025.
the Presiding Officer

Judgment/Order uploaded on :- 19.06.2025.