

R.C.S.No.77/2021

Chandrakant Vs. Panjabra

Order below Exh.26.

Defendant No.3 has moved the present application seeking condonation of delay in filing written statement and reply. The defendant has come with the case that delay has not been intentional. The defendant has prayed for setting aside 'no written statement' order.

2. The plaintiff has filed say that 'no written statement' order is not passed by the court. He has prayed for rejection of the application.

3. Perusal of the record reveals that 'no written statement' order has not been passed at Exh.01. Therefore, the prayer made in the present application is out of context. There arises no question of setting aside order which does not exist.

4. But, there appears delay in filing the written statement. The suit is for partition. The rights of the defendants are involved in the immovable property. Hence, to take care of branching of lis between parties, the present application is allowed, but, the delay caused requires to be compensated in terms of money. Hence, the order.

ORDER

- i. The delay caused in filing written statement and and reply to Exh.05 is hereby condoned on payment of costs of Rs.500/- (Rs. Five Hundred Only) without fail on next date.
- ii. The order is dictated in open court.

Date : 18.03.2023.

[A. R. Yadav.]
Jt. C.J.J.D., Pandharpur.

CERTIFICATE

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

Name of the Stenographer	:	Rajiv Malkarjun Gogi.
Court	:	Jt. Civil Judge, J.D. Pandharpur.
Date of Order		18.03.2023
Order signed by the presiding officer on		18.03.2023