

MHSO070002972025 	<u>ORDER ON EXH. 14 IN R.C.S. No. 277/2025</u> <u>(Passed on 23rd June 2026)</u>
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1. This application is filed by defendant No.1 to condone the delay caused 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 defendant No.1 that he could not collect important documents. Moreover due to physical ailment and family difficulties he could not contact his Advocate. Therefore, he could not file written statement on record within time. The suit is in respect of immovable property and his rights are involved in the suit property. Therefore, it is necessary to adjudicate the suit on merit. To bring actual facts on the record, he prayed to allow the application and condone the delay. The plaintiff objected the application by stating that the application is false and frivolous. The defendant has not mentioned the reason for delay. Hence, he prayed to reject the application by imposing cost on the defendant.

3. Defendant No.1 has been served vide Exh. 06 on 30.07.2025. He appeared through Advocate on 07.04.2026 vide Exh.12. Thus, maximum permissible period for filing written statement expired on 29.10.2025. Present application is filed on 07.04.2026. Thus, there is delay of 05 month and 08 days. Ex-parte order was passed against defendant No.1 on 25.11.2025. Suit is filed for declaration and injunction. It is pleaded by plaintiff that

defendant is obstructing his easementary right. Therefore, rights and interest of defendant being involved in the subject matter of the dispute, it will be appropriate to give opportunity to defendant to contest the present suit.

4. In order to adjudicate the present suit finally and to avoid complexity in the proceeding, it will be appropriate to allow defendant No.1 to file written statement. It will help to decide the suit finally and will reduce multiplicity of the proceedings. Plaintiff has led evidence and filed his evidence affidavit vide Exh.07. Defendant by his inaction, has protracted the proceeding and caused delay. The delay caused should be compensated in terms of money. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.14) is allowed.
2. Delay caused in filing written statement is hereby condoned subject to costs of Rs. 500/- (Five Hundred only) payable to the plaintiff on or before next date.
3. After payment of costs say and written statement will be taken on record.

Pandharpur.
Date : 23.06.2026.

(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 (Grade-III)
Court	:-	Jt. Civil Court,J.D.,Pandharpur.
Date	:-	23.06.2026.
Judgment/Order signed by the Presiding Officer	:-	23.06.2026.
Judgment/Order uploaded on	:-	23.06.2026.