

R.C.S. No.293/2019

I.A. No.02/2022

Order below Exh.16  
(Passed on 17.02.2022.)

Defendant filed present application for condonation of delay for filing his written statement. It is his contention that, he could not collect necessary documents for preparing his written statement and delay caused. Delay caused is not intentional. The valuable rights of the defendant involved in the present suit to decide the same on merit. Hence, he prayed to allow the application.

2. Plaintiffs by filing his say and strongly opposed to the application and submits that, reason stated in the application is not just and proper. There is no any sufficient cause to condoned the delay for filing written statement. Hence, he prayed to reject the application.

3. Considering the contentions of both the sides, so also, I have gone through record of case in hand, from it appears that, summons is duly served to the defendant as on 27.10.2021. After service of summons defendant is appear in the present suit as on 19.11.2021 but failed to file written statement within stipulated time. The reason stated in the application is not just and proper but suit is filed for perpetual injunction against the defendant. The present suit is required to be decided on merit. Therefore, opportunity is required to be given to the defendant. Hence, following order:

**ORDER**

- 1] Application is allowed subject to costs of Rs. 500/- to pay other side.
- 2] Defendant is permitted to file his written statement on payment of costs.

Pandharpur.  
Date : 17.02.2022.

Sd/-  
[A. P. Karad.]  
Jt. C.J.J.D. Pandharpur.

**CERTIFICATE**

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

Court : Jt. C. J. J. D. Pandharpur

Name of Stenographer : M. P. Gheradi.

Date : 17.02.2022

Judgment/Order signed by  
the Presiding Officer on : 17.02.2022

Judgment/Order uploaded on : 17.02.2022