

1. Arun Mohan Nagtilak Plaintiffs.

Versus

1. Balbhim Sadashiv Godase Defendants.

ORDER BELOW EXHIBIT 26

1. The defendant number 5 to 11 and 13 to 18 have moved the application vide exhibit 26 for condonation of the delay for filing written statement. The defendant number 5 to 11 and 13 to 18 have stated that, the documents which are necessary for filing written statement were not available within stipulated time. Hence, the defendants can not file written statement within stipulated time. There is delay for filing written statement. The defendants must get the opportunity to put forth their defence, otherwise they will suffer irreparable loss.

2. The plaintiffs have filed say and stated that application is illegal and void. There is delay in filing statement on record. Hence, the application is to be rejected.

3. I have perused application vide exhibit 26 and say of plaintiffs. I have heard both sides at length. The following points arise determination.

Serial number	Points	Findings
1	Do defendant number 5 to 11 and 13 to 18 entitle for condonation of delay for filing written statement?	Yes
2	What is order ?	The application is allowed.

Reasons

As to point No.01 and 02

4. The present suit is for perpetual injunction. The nature of the suit is such that, if the opportunity for filing written statement is denied to defendant number 5 to 11 and 13 to 18, then it will affect the merit of case and may result into multiplicity of proceeding. 'Audi alteram partem' is principle of natural justice. It means that no one shall be condemned unheard. Hence, it is just and proper to give opportunity to defendant number 5 to 11 and 13 to 18 for filing written statement. The reason for delay in filing written statement is non availability of documents. The reason stated by the defendant number 5 to 11 and 13 to 18 for condonation of delay is sufficient. The circumstances are beyond the control of defendants. Hence, it will not be proper to saddle the cost on shoulder of defendants after considering the circumstances. Therefore, the present application is allowed. In the result, the following order is passed.

ORDER

- 1) The application vide exhibit 26 is allowed.
- 2) There is no order as to cost.

Pandharpur
Date - 13/03/2026

Smt. K. A. Katkar
3rd Jt.C.J.J.D., Pandharpur.

:-CERTIFICATE:-

I affirm that, the contents of this pdf file order are same, word for word as per original order.

Case No.	:-	R.C.S. No. 392/2025
Name of Stenographer	:-	S. P. Doke,
Court Name	:-	Smt. K. A. Katkar, 3 rd Jt. Civil Judge, J.D, Pandharpur.
Date of Decision	:-	13/03/2026
Order signed by P.O. on	:-	13/03/2026
Order uploaded on	:-	13/03/2026