


MHSO070004832023 	<u>ORDER ON EXH. 26 IN R.C.S. No. 405/2023</u> <u>(Passed on 01st September 2025)</u>
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1. This application is filed by plaintiff to condone delay in filling written statement to counter-claim filed by defendant No.1. The defendant No.1 failed to file say till today. Hence, application is proceeded without say of defendant No.1. Heard Advocate for the plaintiff. Perused the record.

2. It is submitted by the plaintiff that, there is delay of 13 months in filling written statement to counter-claim. Inadvertently delay has been caused. Thus, he prayed to allow the application.

3. Defendant No.1 has filed written statement and counter-claim at Exh.24 on 10.04.2024. Plaintiff has received copy on the same day. However, written statement is filed with this application on 22.07.2025. The maximum permissible period expired on 09.07.2024. Thus, there is delay of approximately one year in filling written statement. No specific reason is mentioned by the plaintiff. It is stated that inadvertently written statement to counter-claim is remained to be filed. Below Exh.24 no adverse order is passed against plaintiff. Plaintiff has filed suit for injunction but defendant No.1 has filed counter-claim over declaration of title by adverse possession in respect of suit property 1B. He has also sought injunction against plaintiff. Thus, right, title and interest of both parties in the suit properties are disputed. Both parties have

contested the suit and counter-claim.

4. By giving opportunity to plaintiff to file written statement to counter-claim it will help to decide both suit and counter-claim on merit. It will help to adjudicate subject matter finally and will reduce multiplicity of the proceeding. However, the delay caused has protracted the proceeding and therefore, it should be compensated in terms of money. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.26) is allowed.
2. Delay caused is condoned subject to costs of Rs. 1000/- (One Thousand only) payable to the defendant No.1 on or before next date.
3. After payment of costs the written statement will be taken on record.

Pandharpur.
Date : 01.09.2025.

(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 :- 01.09.2025.

Judgment/Order signed by
the Presiding Officer :- 01.09.2025.

Judgment/Order uploaded on :- 01.09.2025.