

Regular Civil Suit Number 441/2024

CNR Number MHSO070005182024

Laxmi Sunil Jadhav ..... Plaintiff

Versus

Ranjana Rohidas Gaikwad ..... Defendant

**ORDER BELOW EXHIBIT 16**

1. The defendant number 1 and 2 have moved the application vide exhibit 16 for condonation of the delay for filing written statement. The defendant number 1 and 2 have stated that, they could not obtain the necessary documents for filing the 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 below the application and stated that application is illegal and void. There is delay in filing written statement on record. Hence, the application is to be rejected.

3. I have perused application vide exhibit 16, say of plaintiffs and I have heard both sides at length.

4. The present suit is for perpetual injunction. The nature of suit is such that, if the opportunity for filing written statement is denied to defendants, 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 defendants for filing written statement. The reason for delay in filing written statement is non availability of

documents and old age and illness of defendant number 1. The reason stated by the defendants 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 16 is allowed.
- 2) There is no order as to cost.

Pandharpur  
Date – 26-06-2025.

Smt. K. A. Katkar  
3<sup>rd</sup> 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.

Name of Stenographer	:-	Rajiv M. Gogi.
Court Name	:-	Smt. K. A. Katkar, 3 <sup>rd</sup> Jt. C.JJD, Pandharpur.
Date of Decision	:-	26-06-2025
Order signed by P.O. on	:-	26-06-2025
Order uploaded on	:-	26-06-2025

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