

R.C.S. No. 233/2021

I.No. 2/2022

Nanaso Choughule Vs. Changdeo and ors.

ORDER BELOW EXH. 15

(Passed on 12/01/2022)

01. The defendant No. 1 to 4 have filed present application for condonation of delay for filing written statement. It is their contention that they have received summons as on 27.08.2021 but they could not collect relevant documents for preparing their Written statement within stipulated time and failed to file the Written Statement. The delay caused is not intentional. The valuable rights of the defendants are involved in the present suit. Therefore, to decide the suit on merit they are prayed to allow the application.

02. Plaintiff by filing his say has strongly opposed the application. It is the contention of plaintiff that, defendants have not properly explained the delay. The reasons stated in the application is also not just and proper. Therefore, plaintiff prayed to reject the application by imposing costs.

03. Considering the rival contentions of both the sides so also I have gone through the pleadings in the plaint from it reveals that, the present suit is filed for perpetual injunction against the defendants. Therefore, to determine the fact in issue

between the parties on merit, opportunity is required to be given to the defendant No. 1 to 4. The reasons stated in the application is not just and proper but the rights of the defendant No. 1 to 4 involved in the suit, therefore by following principle of natural justice i.e. no one shall be condemned unheard the opportunity should be given to them. Therefore considering the nature of suit and reason stated in the application I proceed to pass following order -

ORDER

1. The application filed by the defendant No. 1 to 4 is allowed subject to cost of Rs. 400/- to pay other side.
2. Defendant no. 1 to 4 are permitted to file their Written Statement in the present suit on payment of cost.

Date:- 12/01/2022

(A. P. Karad)
Jt. Civil Judge, J.D.
Pandharpur.

