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| MHSO070007732023<br> | <b><u>ORDER ON EXH. 12 IN R.D.No. 15/2024</u></b><br><b><u>(Passed on 16<sup>th</sup> April 2026)</u></b> |
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1. This application is filed by JD No.1 to condone delay in filing say. The DH has filed say on the same application. Heard Advocate for JD No.1. Advocate for DH is absent when called out. Hence, application is proceeded without his oral argument. Perused the record.
2. It is submitted by the JD No.1 that he was busy in agricultural work. Due to his economical crisis as well as his children and parent's illness he could not file say within stipulated time. The delay is not intentional. He prayed to allow the application and to take say on record. The DH has objected the application and stated that the application is false and frivolous. DH has filed this application only to prolong the proceeding and prayed to reject the application.
3. It is to be noted that the JD No. 1 has been served on 12.09.2024 vide Exh.05. Thereafter he has appeared on 13.09.2024 and filed application for seeking adjournment for filing say vide Exh.06. By order dated 13.06.2025 petition is proceeded without say against JD No.1. The present application is filed by JD No.1 on 28.10.2025. Thus, the maximum permissible limitation period for filing say expired on 11.12.2024 for JD. Thus, there is delay of 10 months 17 days in filing say.

4. The present execution petition is filed for recovery of amount. To substantiate the claim the JD has not produced any document on the record. The delay is not explained by the JD satisfactorily. Application is vague. The decree passed is about recovery of loan amount. JD desires to contest the execution petition he is the main borrower. Therefore, it is necessary to grant him opportunity to contest the petition. For effective execution of Award passed in Co-operative Dispute No.161/2020, the JD No.1 is required to be heard. This will end the dispute finally. Due to inaction on the part of JD, though he had been served on 12.09.2024, he failed to file say within time. There is 10 months 17 days delay caused. Therefore, delay should be compensated in terms of costs. For the reasons mentioned above following order is passed.

### ORDER

1. The application (Exh.12) is allowed.
2. Delay caused is condoned to costs of Rs. 1,000/- (One Thousand only) payable to the DH on or before next date.
3. After the cost is deposited, say filed by JD will be taken on record.

Pandharpur.  
Date : 16.04.2026.

(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 :- 16.04.2026.

Judgment/Order signed by  
the Presiding Officer :- 16.04.2026.

Judgment/Order uploaded on :- 16.04.2026.