

R.C.S.811/1999
Digambar Vs. Sonaba

ORDER BELOW EXH.81

Defendant No.8 has filed this application for condonation of delay and setting aside No W.S. order and to take her W.S. on record.

2] It is contended by the defendant No.8 that after appearance in the present matter she has sought time to file her W.S. but, documents could not be received to her within time, so also, due to illness of her step-mother she could not file her W.S within time and there is delay of one month. The said delay is not deliberately caused. Now, she is ready to file her Written Statement along with her counter claim and lastly prayed to allow the application by condoning delay and by setting aside No W.S. order.

3] Plaintiff filed his say and contended that application is not legal. There is deliberate delay on the part of defendant No.8. Hence, such delay cannot be condoned. There is negligence on the part of defendant No.8 and lastly prayed to reject the application.

4] Perused the application and say on it. Also perused the record. Plaintiff has filed present suit for partition. The present defendant is concerned with the suit property. Hence, in order to decide the suit on merit which is just and proper to take her W.S. on record. The record shows that despite sufficient time she failed to file her W.S. Therefore, no W.S. order is passed against her. But, considering the nature of suit and right of defendant No.8 involved in the present suit application is deserves to be allowed. But, while allowing the same the

delay which is caused by her cannot be overlooked. Therefore, by imposing some costs on her if application is allowed it will meet the ends of justice. Hence, the following order.

:ORDER:

- 1] Application Exh.81 is allowed subject to payment of costs of Rs.600/- to plaintiffs No.2 to 4.

Malshiras
Date : 03/10/2018

[R.S. Kshirsagar]
Civil Judge S.D. Malshiras

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/order is same word to word as per the original Judgment.

- (a) Name of the Stenographer : **S.S.Mitragotri**
(b) Court : **Civil Court Senior Division, Malshiras.**
(c) Judgment/order signed by P.O. on : **03.10.2018.**
(d) Judgment/order uploaded on : **04.10.2018**