

ORDER BELOW EXH. 17

1. This is an application filed by the defendant nos. 1 to 5 for condonation of delay in filing written statement and acceptance of the same. They contend that due to the non-availability of necessary documents, the written statement could not be filed within time. Hence, this application.
2. The plaintiffs filed say overleaf the application and resisted the same on the grounds that the reason mentioned in the application is not proper and the application is false. In the alternative, they prayed that a cost of Rs. 5000/- be imposed.
3. Perused the application, say and record. Heard learned advocates for both sides. The suit is for measurement of the suit land, fixation of boundaries and perpetual injunction. Valuable rights of both sides are involved. Therefore, hearing of the suit on merits is desirable. For that purpose, sufficient opportunity needs to be given to the defendants. The reason mentioned in the application is reiterated on oath in the supporting affidavit. There is no reason to disbelieve the same. Moreover, delay can be compensated in monetary terms. Therefore, the application deserves to be allowed in the interest of justice. However, considering the reason and the length of the delay, costs of Rs. 400/- would be just and sufficient. Hence, the following order.

ORDER

1. The application is allowed subject to costs of Rs. 400/- payable to the plaintiffs.

Date: 01/03/2024
Malshiras.

(Alok V. Deshpande)
3rd Jt. C.J.J.D., Malshiras.

CERTIFICATE

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

- a) Name of the Stenographer : Arun K. Vibhute (Grade III)
- b) Court : 3rd Jt. C.J.J.D. and J.M.F.C., Malshiras.
- c) Order signed by P.O. on : 01/03/2024
- d) Order uploaded on : 02/03/2024