

MHSO110005202016



Order below Exh.16 in R.C.S. 153/2016

1. This is an application filed by the defendant nos. 1 to 5 whereby they asked to condone the delay of 39 days caused in filing written statement. Defendants submitted that defendant nos. 1 and 2 are residing at Natepute, defendant nos. 3 and 4 are married and their names are changed after the marriage. Defendant no. 5 is practicing as an advocate in Shivaji Nagar Court Pune. Plaintiff after knowing all these facts did not make necessary changes at Exh. 1. The summons was not duly served. Defendant no. 2 tried to contact other defendants but it took some time. Thereafter due to some confusion as regards the dates, defendants could not file written statement within prescribed time. Hence this application.
2. Application is opposed by the plaintiff by filing say at Exh. 24 on the ground that defendants application is not legal one. No reasonable cause shown by defendants and hence prayed for rejection of the application.
3. Heard learned advocate for both the parties.
4. Perused the record.
5. This is suit for specific performance of contract and for permanent injunction. Application is supported with affidavit. Considering the nature of the suit and rights of the parties involved therein, it is just to give an opportunity to the defendants to file written statement subject to

appropriate cost. No prejudice would be caused to plaintiff if application is allowed. It will help to decide the suit on merit. Considering the nature of the suit and delay of 39 days in filing written statement, it is appropriate to allow application subject to cost of Rs.400/- (Rs. Four Hundred Only). Hence, order.

ORDER

1. Application is allowed subject to cost of Rs.400/- (Rs. Four Hundred Only).
2. Delay of 39 days caused in filing written statement is hereby condoned and written statement of defendant nos. 1 to 5 be taken on record subject to cost of Rs.400/- (Rs. Four Hundred Only).
3. Cost be paid to plaintiff on or before next date.

Malshiras.
Date:-11.06.2019

(J.M.Agnihotri)
3rd Jt. Civil Judge, J.D., Malshiras

Certificate

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

a) Name of the Stenographer	:	Shri. S. S. Patne
b) Name of the Court	:	Judicial Magistrate F. C., Malshiras
c) Judgment signed by P. O. on	:	11.06.2019
d) Judgment uploaded on	:	12.06.2019