

R.C.S. No.978/2024  
Sunil Lade  
Vs.  
Shivaji Lade & Ors;

**ORDER BELOW EXH. NO.14**

This is an application filed by defendant No.1 for granting permission to him to file written statement on record by condoning delay.

2. It is the contention of defendant No.1 that after service of summons he appeared before Court but did not file his written statement on record within stipulated time. It is submitted that, as he did not get necessary information and due to lack of necessary documents, he could not file his written statement on record within limitation. As such delay has been occurred for filing the same on record. The suit is for measurement and fixation of boundaries. His right and interest are involved in the suit. Hence, he prayed to allow the application.

3. The plaintiff filed his say overleaf of the application. It is the contention of the plaintiff that the contents of the application filed by the defendant No.1 are false. The reasons mentioned for delay to file written statement are not proper and legal. Considering the above reason, he prayed to reject the application.

4. As a matter of record defendant No.1 did not file his written statement within stipulated time. Therefore, delay is caused to file written statement. Now, defendant No.1 is ready to contest the suit by filing his written statement on record. The suit is for measurement and fixation of boundaries. Therefore, right and interest of defendant No.1 is involved in the suit. Hence, to decide the suit on merit, it is necessary to have an opportunity to both the parties to take part in the proceeding of the suit. In adversarial system every party shall get an opportunity of hearing. Procedural law should not be an obstruction in the justice dispensation system. As far as delay is concerned same can be compensated by saddling costs on the defendant No.1. Considering the above facts and circumstances, I pass following order:

## **ORDER**

1. The application is allowed subject to costs of Rs.200/-.
2. The delay caused to file written statement to defendant No.1 is hereby condoned.
3. Defendant No.1 is permitted to file his written statement on record.

Date :- 26/08/2025

**(U. B. Pethe)**  
Jt. Civil Judge Junior Division,  
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/order :-

- (a) Name of the Stenographer :- S. S. Mitragotri
- (b) Court :- Jt. Civil Judge Junior Division and  
Judicial Magistrate First Class, Malshiras
- (c) Judgment/Order signed  
by PO on :- 26/08/2025
- (d) Judgment/Order uploaded  
on :- 26/08/2025