

ORDER BELOW EXHIBIT-09 IN R.C.S.No.179/2016

Defendant Nos. 3 to 5 have filed the present application for delay condonation and permission to file written statement.

2. It is asserted that, defendant Nos. 3 to 5 was suppose to give W.S. to the suit they was illiterate and less knowledge of law. Due to illiteracy on 29/06/2017 defendant No. 3 & 4 have refused to take summons and defendant No. 5 was not present at that time. Due to which, the summons was not served on defendant No. 5. Defendant No. 3 & 4 are earlier out of station for earning their bread and butter. Due to that, reason the delay was caused. Hence, prayed for condoning the delay caused and permission to file written statement.

3. Plaintiff filed the say on the said application and stated that, the summons was served on defendants in the year 2017. No any reason was mentioned for the delay. Hence, prayed for rejection of the application. Plaintiff further stated that, if court comes to the conclusion of allowing the application cost of Rs. 5000/- be imposed on them.

4. Perused the application and say. It reveals that, due to illiteracy and less knowledge of law and also defendant No. 3 & 4 was out of station for earning their bread and butter they were unable to remain present before the court and file their W.S. Therefore, there is delay of near about 4 years for filing the written statement. But it is necessary for the just decision of the case that the written statement should be taken on record. Therefore, considering the say of the plaintiff and the circumstances narrated by the defendants it will be proper to give an opportunity to file the written statement subject to reasonable cost towards the delay of 7 years. Considering the above facts, I pass the following order :

ORDER

1. Application is allowed.
2. The delay caused for filing the written statement is hereby condoned subject to cost of Rs. 500/- be given to the plaintiff.
3. Defendant No. 3 to 5 are allowed to file written statement as prayed in the application.

Date : 06/12/2021.

(J. A. Zari)
Jt. Civil Judge (J.D.),
Barshi.

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	:	B.B.Salvade
(b)	Court	:	J.A.Zari, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	06/12/2021
(d)	Judgment /Order uploaded on	:	06/12/2021