

**ORDER BELOW EXHIBIT-41**

01. This is an application filed by defendant No.1 for seeking permission to file written statement by condoning delay for filing written statement.

02. Read the application. Perused say of the plaintiffs. Heard Ld. Advocate for both sides.

03. The defendant submitted that defendant No.1 is senior citizen and due to his illness, important documents could not be available. Therefore, he could not file his written statement within stipulated period. Hence, prayed for allowing the application.

04. The plaintiffs filed their say below the application and thereby objected the application. They contended that reason mentioned in application is not true and proper. Old documents are already supplied to the defendant. The defendant has deliberately filed his written statement with delay. Hence, prayed to reject the application and alternatively prayed for imposing heavy costs if it would be allowed.

05. Perused the record. After gone through the record, it appears that defendant No.1 is duly served of the suit summons on 19/11/2022. He reported his appearance on 06/12/2022 below Exh.27. In spite of sufficient opportunity, he failed to file his written statement within stipulated period. The defendant has filed the present application for seeking permission to file written statement by condoning delay on 16/06/2023. The defendant has failed to file his written statement within stipulated period of time.

06. It is material point to note that, since the suit of the plaintiffs is for the relief of declaration, possession and alternatively for partition. Valuable rights and interest of the defendant are involved in the suit. No doubt, in filing written statement of the defendant, there is delay but delay can be condoned by imposing appropriate costs upon the defendant and no prejudice will cause to the plaintiffs by the same, in fact, it will helpful to decide the suit on merit. However, it is well settled principle of law that, it is always desirable to decide a suit on merits and liberal view requires to be taken. Hence, in the light of above discussion, I proceed to pass following order;

ORDER

- 1) The application is allowed subject to payment costs of Rs.500/- (Rs. Five Hundred only) to be paid by defendant No.1 to the plaintiffs on or before next date.
- 2) Permission is granted to file written statement of defendant No.1 on record.
- 3) After payment of costs by defendant No.1, his written statement be accepted.

(Dictated and pronounced in open Court.)

Barshi.
Date : 20/02/2026.

(Smt. P.V. Raut)
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	:	Shri.S.R. Barangule, Stenographer Grade-III
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D. & J.M.F.C., Barshi.
(c)	Judgment /Order declared on	:	20/02/2026
(d)	Judgment /Order checked on	:	23/02/2026
(e)	Judgment /Order signed by P.O. on	:	23/02/2026
(f)	Judgment /Order uploaded on	:	23/02/2026