

**ORDER BELOW EXHIBIT-58**

01. This is an application filed by defendant No.2 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.2 is illiterate and old aged person. Due to her illness, he could not remain present in the Court and she could not file her 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. Defendant No.1 is husband of defendant No.1, therefore, contentions of illiterate, old aged and illness are not true. 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.2 is duly served of the suit summons on 19/11/2022. He reported her appearance on 04/10/2024 below Exh.55. In spite of sufficient opportunity, she failed to file her written statement within stipulated period. The defendant has filed the present application for seeking permission to file written statement by condoning delay on 22/01/2025 i.e. after huge delay. The defendant has failed to file her 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.1,000/- (Rs. One Thousand only) to be paid by defendant No.2 to the plaintiffs on or before next date.
- 2) Permission is granted to file written statement of defendant No.2 on record.
- 3) After payment of costs by defendant No.2, her 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