

R.C.S. No.48/2022
Sunanda Vs. Tukaram & Ors.
CNR No.MHSO17001462022

Order Below Exh.13

This application is filed by defendant No.1, 3, 5, 7 and 8 praying to condone the delay in filing say and written statement.

2. It is contended by the defendant No.1, 3, 5, 7 and 8 that, they could gather the relevant documents from concerned office. Defendants were out station for work, so they could not approach their advocate. So, they could not file their written statement stipulated period. There is 103 days delay. The delay is not intentional. Hence, they prayed to condone the delay in filing say and written statement.

3. On the contrary, the plaintiff opposed the application stating that, the contents are not true and correct. The reasons are false and fabricated. Hence, prayed for rejection of application with heavy costs.

4. Perused the application, supporting affidavit and say. Heard both the sides. The suit is for partition, declaration and perpetual injunction. Considering the nature of the suit, it is necessary to give a fair opportunity to defendant No.1, 3, 5, 7 and 8 to put up their case. So also, it is necessary to enable the court to effectually and completely adjudicate upon and settle all the questions involved in the suit. Hence, it would be appropriate to allow defendant No.1, 3, 5, 7 and 8 to file their say and written statement. Furthermore, defendants have also filed say and written statement along with the application. The delay caused by defendant No.1, 3, 5, 7 and 8 can be compensated by imposing costs on them. Accordingly, I pass following order.

ORDER

1.	The application is allowed and delay is condoned to file say and written statement of defendant No.1, 3, 5, 7 and 8 subject to payment of costs of Rs.500/- by defendant No.1, 3, 5, 7 and 8 to the plaintiff on or before next date.
2.	The say and written statement to be taken on record on compliance of above order.

Date - 01/10/2024

(**Shubham G. Laturiya**)
4th Jt. C.J.J.D., Madha
J.O. Code:-MH03297

<u>CERTIFICATE</u>		
I affirm that, the contents of this P.D.F. file Order/Judgment is same word to word, as per the original order/judgment.		
Name of Stenographer	:	N. B. Kamurti
Court Name	:	4 th Jt. C.J.J.D. & J.M.F.C., Madha.
Order/Judgment signed by the Presiding Officer on	:	01/10/2024
Order/Judgment uploaded on	:	03/10/2024