

**R.C.S. No.252/2020**  
**Narayan Vs. Balkrishna & Ors.**  
**CNR No.MHSO170006562020**

**Order Below Exh.20**

This application is filed by defendant no.1 praying to condone the delay in filing say and written statement.

2. It is contended by the defendant no.1 that, due to his continuous illness and as he is old, he could not file his written statement. The delay is not intentional. Also, due to spread of Covid-19 virus, he was not able to present before the court. So, he could not file his written statement within stipulated period. Hence, he prayed to condone the delay in filing say and written statement.

3. On the contrary, the plaintiff filed his say stating that, the application filed by defendant no.1 is false and vicious and it is not acceptable to the plaintiff. Defendant no.1 has not mentioned any legal reason in his application at Exh.20. Defendant no.1 has not mentioned delay in his application. The delay of defendant no.1 is intentional. Hence, prayed for rejection of application and alternatively prayed to impose costs of Rs.1000/-, if allowed.

4. Perused the application, supporting affidavit and say. Heard both the sides. The suit is for declaration, perpetual injunction and partition. Considering the nature of the suit, it is necessary to give a fair opportunity to defendant no.1 to put up his 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 to file his say and written statement. Furthermore, defendant

no.1 has also filed say and written statement along with the application. The delay caused by defendant no.1 can be compensated by imposing costs on him. 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 subject to payment of costs of Rs.200/- payable by defendant no.1 to the plaintiff. |
| 2. | The say and written statement to be taken on record on compliance of above order.                                                                                                        |

Date - 07/12/2024

(Shubham G. Laturiya)  
4<sup>th</sup> Jt. C.J.J.D., Madha  
J.O. Code:-MH03297

| <b><u>CERTIFICATE</u></b>                                                                                                      |   |                                                    |
|--------------------------------------------------------------------------------------------------------------------------------|---|----------------------------------------------------|
| I affirm that, the contents of this P.D.F. file<br>Order/Judgment is same word to word, as per the original<br>order/judgment. |   |                                                    |
| Name of Stenographer                                                                                                           | : | M.P.Dixit                                          |
| Court Name                                                                                                                     | : | 4 <sup>th</sup> Jt. C.J.J.D. & J.M.F.C.,<br>Madha. |
| Order/Judgment signed<br>by the Presiding Officer on                                                                           | : | 07/12/2024                                         |
| Order/Judgment uploaded on                                                                                                     | : | 09/12/2024                                         |