

**R.C.S. No.778/2024
Vandana Vs. Tukaram & Ors.
CNR No.MHSO170022042024**

ORDER BELOW EXH.13

This is an application by defendant No.1 to 3 to condone delay to file say and written statement and allow them to file their say and written statement.

2. It is the contention of defendant No.1 to 3 that, they could not file written statement within stipulated period as they were out of station for their business purpose. Hence, they prayed to condone delay to file say and written statement and allow them to file their say and written statement.

3. Per contra, plaintiff opposed the application stating that, the application is false and frivolous. The reasons are not justifiable. There is intentional delay only with intent to prolong the matter. Hence, she prayed to reject the application.

4. Perused the application and say. Heard both sides. Perused the record. Though the record shows that, the right to immovable property is involved. Law prefers decision on merit than on technicalities. Hence, in order to decide the lis on merit, opportunity to file written statement should be given to defendant No.1 to 3. Hence, it would be just and proper to condone delay to file say and written statement and allow them to file their say and written statement. The inconvenience caused to the other side can be compensated by imposing certain costs on the defendant No.1 to 3. Accordingly, I passed following order-

Order

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| 1. | The application is allowed and delay is condoned subject to costs of Rs.500/- each payable to plaintiff. |
| 2. | The defendant No.1 to 3 are permitted to file say and written statement after payment of costs. |

Date - 17/04/2025

(**V. C. Kshirsagar**)
3rd Jt. C. J. J. D., Madha

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

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| Name of Stenographer | : | N. B. Kamurti |
| Court Name | : | Smt. V.C. Kshirsagar 3 rd Jt.CJJD & JMFC, Madha |
| Date of Order/Judgment | : | 17/04/2025 |
| Order/judgment signed by presiding officer on | : | 17/04/2025 |
| Order/judgment uploaded on | : | 17/04/2025 |