

ORDER BELOW EXH. 47 IN R.C.S. NO. 135/2019.
(Madhukar Kokare and Ors Vs. Bhaskar Kokare and Ors.)

Defendant Nos. 12 to 14 have filed this application for condonation of delay for filing written statement.

[2] Perused the application. Called say of plaintiffs.

[3] It is submitted by defendant that, due to the non-availability of documents, defendants are old aged persons and due to illness, they are unable to attend dates of Court, they are unable to file written statement within stipulated period. Hence, delay of 5 years 5 months and 7 days has been caused to file written statement. Further they prayed for allowing the application.

[4] Plaintiffs have filed their say and prayed for rejecting the application contending that, the reason mentioned in the application only defendant No. 14 is old aged person and there is no mention in the application of defendant Nos. 12 and 13. Therefore, they prayed for rejecting the application. Alternatively, prayed for imposing costs.

[5] On perusal of the application and say filed by plaintiffs, it is clear that, defendants have caused a great delay for filing written statement. Also, on perusal of reason of delay, it is revealed that, no satisfactory reason has been given by defendants for such a great delay. But everyone should get a chance to defend his side. One can't be denied of his right to proceed in the case on the reason of delay. As well as plaintiffs have suffered much due to delay by defendants. Therefore, the application can be allowed with costs.

[6] In the backdrop of above discussion, I proceed to pass the following order :

::ORDER::

1] The application is allowed, subject to cost of Rs.3000/-. Cost amount be given to plaintiffs till next date.

2] Delay in filing written statement will be condoned, after depositing cost amount.

Date : 03/05/2025

(Smt. S.N. Gangwal-Shah)
Civil Judge Jr. Div., Mangalwedha.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

(a) Name of the Stenographer : P.T. Jadhav

(b) Name of the Court : C.J..J.D., Mangalwedha, Dist. Solapur,

(c) Order signed by P.O. on : 03/05/2025

(d) Order uploaded on : 03/05/2025