

CNR NO MHSO19-000093-2023

ORDER BELOW EXH. 15

Dnyanoba Kharat.

-V/s-

Bhajandas Kharat & Others.

Present application has been filed by defendant Nos. 1 to 3 thereby requesting to condone the delay of 1 month and 13 days caused to file their W.S. on record.

02. Learned advocate for defendant Nos. 1 to 3 has submitted that plaintiff has filed instant suit for measurement and fixation of boundaries. After service of suit summons on defendant Nos. 1 to 3, they appeared in the matter, but they could not file their written-statement within time because, they could not get some important documents in respect of previous litigations. Thus, delay of 1 month and 13 days is caused in filing W.S. Therefore, it is necessary to permit them to file their written statement on record. No prejudice will be caused to the plaintiff, if application is allowed. Hence, it is prayed that they may be permitted to file their W.S. by condoning delay.

03. On the contrary, present application has strongly been opposed by learned advocate for plaintiff. It is contended that the reason mentioned in the present application is not bonafide. The defendants have documents related to present dispute with them. Hence, learned advocate for plaintiff has prayed for rejection of this application.

04. I have perused record of the matter. In view of nature of

relief claimed by plaintiff, it is necessary to permit the defendant Nos. 1 to 3 to file their written-statement otherwise they will suffer from injustice. It is always desirable to decide the matter on merits by giving opportunity to both parties to the suit. At the same time, it is also necessary to compensate the plaintiff due to delay on the part of defendant Nos. 1 to 3 in filing their written-statement. Thus, I think it just and proper to allow this application thereby condoning delay. Hence, following order is passed.

ORDER

- 1) Application is allowed and delay is condoned subject to costs of Rs. 300/- to be paid by defendant Nos. 1 to 3 to plaintiff.
- 2) W.S. be taken on record after payment of costs by defendant Nos. 1 to 3.

Date :- 17/08/2023.
Place :- Mohol.

(S. W. Thombre)
Civil Judge Junior Division,
Mohol.

CERTIFICATE

I affirm that the contents of this PDF file Order /Judgment are same word to word, as per the original Order /Judgment.

Name of Stenographer : S. K. Torane

Court : Civil Judge Junior Division, Mohol.

Date : 17-08-2023

Judgment /order signed by : 17-08-2023

the Presiding Officer on

Judgment /order uploaded : 17-08-2023

on