

R. C. S. No. 62/2021
Kumbhar V/s. Kumbhar

ORDER BELOW EXH.53
(Decided on 19/10/2024)

Present application has been filed by defendant thereby requesting to condone the delay for filing additional written statement.

02. Perused application. Heard learned advocates for plaintiff and defendant.

03. Learned advocate for defendant has submitted that plaintiff has filed instant suit for declaration and partition. After service of suit summons, defendant appeared in the matter and filed his written statement. Thereafter, plaintiff has carried out the amendment in the plaint vide application Exh.49. Therefore, defendant has constrained to file present application. Thus, it is necessary to permit him to file additional written statement on record. No prejudice will be caused to the plaintiff, if application is allowed. Hence, it is prayed that he may be permitted to file additional W.S. by condoning delay.

04. The plaintiff by filing say overleaf of application opposed the application filed by defendant. It is contended that, defendant has filed present application only for misguiding the court. Only to prolong the matter, defendant filed the present application. The reasons mentioned in the application are false. Hence, plaintiff prayed for rejection of application.

05. Perused roznama and documents on record. It appears that defendant is appeared in the matter after service of suit summons and filed his written-statement to the suit. Thereafter, plaintiff amended the plaint vide its application Exh.49. Therefore, defendant constrained to file the present application. Defendant has delayed almost 1 month. The reasons specified in the application for causing delay and application supported by an affidavit at Exh.54. Therefore, there is no reason to disbelieve the statement on oath.

06. So also, in view of nature of reliefs claimed by the plaintiff, it is necessary to permit the defendant to file additional written-statement otherwise he will suffer from injustice. It is always desirable to decide the matter on merits by giving opportunity to both parties to the suit. Thus, I think it just and proper to allow this application. Hence, the following order.

ORDER

- 1) The application at Exh.53 is allowed and delay is condoned subject to cost of Rs.300/- to be paid to the plaintiff.
- 2) The defendant is permitted to file additional written statement.
- 3) The additional written statement to be taken on record after compliance of above order.

Date :- 19/10/2024.
Place :- Mohol.

(Smt. P. S. Govekar)
2nd Jt. Civil Judge Junior Division,
Mohol.

C E R T I F I C A T E

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

Name of Stenographer : A.S. Bakale
Court : 2nd Jt. C.J.J.D., Mohol
Date : 19/10/2024
Judgment signed by the Presiding : 19/10/2024
Officer
Judgment Uploaded on : 19/10/2024