

R. C. S. No. 154/2021
Godase & Ors. V/s. Godase & Ors.

ORDER BELOW EXH.30
(Decided on 07/09/2023)

Present application has been filed by defendant Nos.6 and 7 thereby requesting to condoning delay caused in filing W.S. within prescribed period. Perused application. Heard learned advocates for plaintiffs and defendants.

02. Learned advocate for defendant Nos.6 and 7 have submitted that plaintiffs have filed instant suit for declaration and possession. After service of suit summons, the defendant Nos.6 and 7 did not appear in the matter as defendants were suffering from illness and defendants are old aged persons and therefore they failed to file their written-statement within time. Therefore, it is necessary to permit them to file written statement on record. No prejudice will be caused to the plaintiffs, if application is allowed. Hence, it is prayed that they may be permitted to file W.S. by condoning delay.

03. The plaintiffs by filing say overleaf of application opposed the application filed by the defendants. It is contended that, no legal ground is mentioned in the application. Hence, prayed for rejection of application.

04. Perused roznama and documents on record. It

appears that defendant Nos.6 and 7 failed to file their written statement within stipulated time. The present application is filed on 27.07.2022.

05. In view of nature of reliefs claimed by the plaintiffs, it is necessary to permit the defendants 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. Thus, I think it just and proper to allow this application. Hence, the following order.

ORDER

- 1) The application at Exh.30 is allowed.
- 2) The delay is condoned and defendant Nos.6 and 7 are permitted to file their written statement subject to costs of Rs.300/- to be paid to the plaintiffs.
- 3) The written statement to be taken on record after compliance of above order.

Date :- 07/09/2023.
Place :- Mohol.

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