

**ORDER BELOW EXH.- 23 IN R.C.S. No. 143/2021**

**(Dated-11.04.2023)**

This is an application filed by defendant no. 1 for setting aside no say order passed below Exh. 7 and condonation of delay to file say to the application at Exh. 7.

2. It is contended that due to the sickness of father of defendant no. 1 and due to the farm work defendant no. 1 could not get required documents within time. Therefore, delay is caused for filing of the say to the application at Exh. 7 . Hence, prayed for condonation of delay and setting aside no say order.

3. The plaintiff filed his say at Exh. 26 and contended that the application is false and frivolous. The reason mentioned for the delay is not legal. Defendant no. 1 has caused delay deliberately. Hence, prayed for the rejection of the application.

4. Heard learned advocates representing the parties. They reiterates the contention made in the application and say.

5. Perused roznama and documents on record. It appears that the plaintiff has filed application at Exh. 7 on 01.02.2022. however, defendant no. 1 failed to file his say. Hence, no say order was passed against him on 13.01.2023. This application is filed on 10.04.2023.

6. In order to set aside no say order and for condonation of delay the defendant must show sufficient cause for the delay. Considering the reasons mentioned in the application it appears that defendant no. 1 has shown sufficient cause for the delay. Hence, it would be proper to condone the delay and set aside no say order passed below Exh. 7. Hence, I pass the following order:

**ORDER**

1. The application is allowed, the delay is condoned, and no say order passed below Exh. 7 be set aside.
2. The written statement of defendant no. 1 is seen and filed.

Mohol

Date: 11.04.2023

(R.R. Jadhav)  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Mohol.