

CNR NO MHSO19-002085-2022**ORDER BELOW EXH. 28****Adinath Gavade.**

-V/s-

Shamal Gavade & Others.

Present application has been filed by defendant Nos. 1 to 9 thereby requesting to condone the delay of 32 days caused to file their W.S. on record.

02. Learned advocate for defendant Nos. 1 to 9 has submitted that plaintiff has filed instant suit for perpetual injunction. After service of suit summons on defendant Nos. 1 to 9, they appeared in the matter, but they could not file their written-statement within time because, some defendants are old age persons and some defendants are women. As such, they could not file W.S. within time. Thus, delay of 32 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 plaintiffs, 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 application is not legal. There is no need to file this application. Hence, learned advocate for plaintiff has prayed for rejection of this application with costs.

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 9 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 9 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 9 to plaintiff.
- 2) W.S. be taken on record after payment of costs by defendant Nos. 1 to 9.

Date :- 16/06/2023.
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 : 16-06-2023
Judgment /order signed by : 16-06-2023
the Presiding Officer on
Judgment /order uploaded : 16-06-2023
on