

ORDER BELOW EXH. NO. 24 IN R.C.S. NO. 252/2023

By this application, defendant No. 5 has prayed for permission to submit his written-statement by condoning delay caused for the same.

2) By filing say, plaintiff has opposed the application contending that, reasons given are not sufficient to condone the delay. In alternate he has prayed for cost of Rs. 1,000/-.

3) Heard both sides. Perused the record. Suit is for declaration, possession and perpetual injunction. Several agricultural properties situated at village Pokharapur, Tal. Mohol are subject matter of the suit. It reveals that, defendant No. 5 was served with summons on 16/02/2024. He recorded appearance on 22/02/2024. However, despite sufficient opportunity he failed to submit his written-statement. Thereafter, on 13/06/2024 he has moved present application with contention that, he was ill. Therefore, there is delay. It is not intentional one.

4) It reveals that, valuable rights of the parties are involved in the matter. It is not a case of plaintiff that, by delaying proceeding, defendant No. 5 has gained anything. Considering the reasons, it appears just and proper to allow defendant No. 5 to submit his written-statement, so as to decide the matter on merit. However, for delay, plaintiff requires to be compensated. Hence I pass following order ;

ORDER

1. Application is allowed and defendant No. 5 is allowed to submit his written-statement subject to cost of Rs. 500/- (Rs. Five Hundred Only) payable to the plaintiff on or before next date. For that purpose, delay is condoned for filing of written-statement.

2. After cost compliance, written-statement shall be taken on record.
3. No order as to costs.

Date : 15/01/2025.

(P. G. Mahalankar)
Jt. Civil Judge, J. D., Mohol.

CERTIFICATE

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

Name of Stenographer	: V. A. Dange
Court	: Jt. C.J.J.D., Mohol
Date	: 15/01/2015
Judgment/Order signed by the Presiding Officer	: 15/01/2015
Judgment/Order Uploaded on	: 16/01/2015