

ORDER BELOW EXH. NO. 30 IN R.C.S. NO. 339/2023

By this application, defendant Nos. 4 to 6 have prayed for permission to submit their written-statement along with counterclaim and also for condonation of delay to file the same.

2) By filing say, the plaintiffs have opposed the application by contending that, defendant Nos. 4 to 6 have intentionally caused delay. In alternate, they have prayed for cost of Rs. 1000/-.

3) Heard both sides. Perused the record. Suit is for declaration, partition and possession. It reveals that, summons was served on defendant Nos. 4 and 5 on 07/11/2023. While, defendant Nos. 4 to 6 recorded their appearance on 08/01/2024 and sought time to submit written-statement. It was granted till 29/01/2024. Subsequently it was extended till 15/03/2024. However, thereafter they did not apply for further time to submit written-statement. Subsequently, on 18/04/2024 they have moved present application seeking permission to submit written-statement along with counterclaim and for that purpose condonation of delay. It is their contention that, for want of requisite documents, they could not submit written-statement within time.

4) It reveals that, valuable rights of the parties are involved in the matter. It is not a case of plaintiffs that, by delaying proceeding, defendant Nos. 4 to 6 have gained anything. Therefore, considering the reason, it appears just and proper to allow defendant Nos. 4 to 6 to submit their written-statement, so as to decide the matter on merit. However, for delay, plaintiffs require to be compensated. Hence I pass following order ;

ORDER

1. Application Exh. 30 is allowed and defendant Nos. 4 to 6 are allowed to submit their written-statement along with counterclaim subject to cost of Rs. 600/- (Rs. Six Hundred Only) payable to the plaintiffs on or before next date.
2. After cost compliance, written-statement along with counterclaim shall be taken on record.
3. No order as to costs.

Date : 20/09/2024.

(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	: 20/09/2024
Judgment/Order signed by the Presiding Officer	: 20/09/2024
Judgment/Order Uploaded on	: 21/09/2024