

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD

ORDER BELOW EXH. 49

IN

R.C.S. No.195/2019

Shri. Anandrao Dnyanu Urunkar	...Plaintiff.
<i>Versus</i>	
1. Shri. Satish Dattatray Phalle & Anr.	...Defendants.

Advocate Mr. P. D. Tadakhe for the plaintiff.

Advocate Mr. P. M. Bahulekar for the defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 06/09/2024

ORAL ORDER :

This is an application filed by the Ld. Advocate for plaintiff for condonation of delay to supply the copy of amended plaint as per order passed below Exh.44.

2. Perused the application and handwritten say given by the defendants Ld. Advocate on the application overleaf. Heard Ld. Advocates for both sides.

3. As per the contents of present application, the plaintiff has filed an amendment application below Exh.44, which was allowed by Court on 23/02/2024. Thereafter next date was fixed on 07/03/2024. On the same day, the plaintiff has carried out necessary amendment. On 04/04/2024 matter was fixed for supply of copy of amended plaint. On that day, Court was on leave. Thereafter, date was fixed on 08/05/2024. But on that day plaintiff failed to supply the copy of amended plaint on record due to his illness therefore he has filed application below Exh.48 for adjournment, which was allowed by the Court. Therefore, delay is caused for supply of copy of amended copy on record. Hence, the application.

4. It appears from record that plaintiff has filed suit for perpetual injunction against the defendants. After writ of service of summons defendant No.1 appeared before Court and filed adjournment application below Exh.21 on record and filed his written statement below Exh.31. Defendant No.2 appeared and filed his say to the temporary injunction application of plaintiff at Exh.25. Meanwhile, plaintiff has filed an amendment application below Exh.44, which was allowed by Ld. Predecessor of this Court on 23/02/2024. I have gone through that order which is passed by my Ld. Predecessor on 23/02/2024. Accordingly, necessary amendment was carried out by plaintiff but he failed to supply the copy of amended copy on record within time. It appears from record that already Exh.44 is allowed, the plaintiff has carried out necessary amendment. In the present application the Ld. Advocate for plaintiff has made outcase for the relief in the present application. Under this circumstances, if present application is allowed there will be no harm cause to the defendants. But, due to delay for filing present application defendants are required to attend the Court and proceeding is delayed. Therefore, defendants are entitled for cost of delay. Considering all in the interest of justice I proceed to pass following order.

ORDER

1. Application Exh.49 is allowed subject to cost of Rs.100/- payable to defendants.
2. After payment of cost directly to the defendants or deposit in Court the Bench clerk of this Court is directed to take the amended copy of plaint on record.

Date : 06/09/2024.
Place : Karad.

[S. B. Todkar]
Civil Judge S.D. Karad.