

R.C. S No. 765/2023
(CNR No. MHST05-004875-2023)

ORDER BELOW EXH. 31

Present application is filed by defendant Nos. 1 to 5 to set aside delay in filing of W.S. It is contended by defendant No. 1 that, as he was sick, so he could not file his W.S within limitation. The delay is not intentional one and he will suffer irreparable loss, if opportunity is not granted to him to file his W.S.

02. on present application objection is taken by plaintiff that application is not supported by documentary evidence. The defendant No. 1 has intentionally failed to file his W.S on record as such the application be rejected.

03. Heard both Ld. Counsels. Considering the contention that, defendant No. 1 was sick, so he could not file the W.S within limitation appears plausible one. Hence, in the interest of justice opportunity needs to be granted to defendant No. 1 but subject to costs for delay. Accordingly following order :-

ORDER

Delay in filing of W.S of defendant No.1 be condoned subject to cost of Rs. 500/- be given to the plaintiff.

Karad.

Date :- 02/04/2024.

(Smt. S.Y. Deshmukh)

Jt. Civil Judge, Sr.Division, Karad.