



Order below Exh.80 in R.C.S. No.122/2021
(Priya Shankar Ahiwale, ors Vs. Seema Aabaji Gaikwad, ors)
(MHST-1400-1202-2021)

This is an application filed by the defendant under section 151 of the Civil Procedure Code to condone delay and permit to make amendment in the written statement as per order passed on 06.02.2026. The defendant contended that, on 06.02.2026 the amendment application of the defendant is allow by the court. On that day defendant was seek therefore he has not communicated with advocate. It is duty of the defendant to make amendment within time limitation. But on the E-Court App status of the case seen that application is on order therefore, the defendant could not make amendment within stipulated time period. There is 48 days delay. Delay is not intentional. If application is not allowed then irreparable loss may be caused to the defendant. Lastly, prayed for kindly allow the application.

2. Say of the plaintiff called, plaintiff filed his say on back leaf of this application and contended that, on 06.02.2026 defendant was not seek, they are neighbors. The defendant caused delay only to prolong the matter. It is not true to say that, on E-Court App there is no stage of application on order but stage was changed. It is the duty of the advocate to see whether order passed or not. Therefore, the reason assigned by the defendant is not justifiable and lastly, prayed for to reject the application.

3. Heard both the side and perused application and say filed on it. It is contention of the defendant that, they have no knowledge above order passed on 06.02.2026 at Exh.73. No mentioned in the Rozanama about passed order and it was seen that on E-Court App

application on order stage. On perused Rozanama it is seen that, on 06.02.2026 specifically mentioned that, application at Exh.73 order passed and application is allowed. It seen that, the advocate of the defendant only seen stage that on exhibit---- order. But specifically mentioned in the Rozanama on Exh.73 order is passed.

4. There is delay of 42 days to make amendment as per order passed at Exh.73. It is duty of the advocate to see whether order passed or not. Therefore, reason assigned for delay is not proper and justifiable. But to decide matter on merit to allow make amendment as per order passed at Exh.73 is necessary. Hence, 42 days delay is condoned and permitted to the defendant to make amendment with cost of Rs.200/-. Hence, I pass the following order.

ORDER

1. The 42 days delay is condone and permitted to the defendant to make amendment.
2. The application at Exh.80 is hereby allowed subject to payment of costs Rs.200/- to the plaintiff.

Date :- 09.06.2026

(P. S. Mule)

5th Jt. Civil Judge Jr. Division, Phaltan