

MHTH170008382016



R. C. S. No. 82/2016
Tukaram Patil Vs. Lila Patil & Ors.

Order Below Exh. 49

01. This is an application by plaintiffs for condonation of delay for filing written statement. It is submitted that the plaintiff Tukaram Khandu Patil died on 31.01.2024. The applicant has no legal knowledge. Plaintiff that there is delay of 90 days in filing the written statement. It is necessary to hear other side to decide the matter on merits. He has not deliberately prolonging the matter. Hence prayed for allow the application.

02. The defendnats have filed say over-lief and oppose the application. It is submitted that the application is without supporting documents of illness. Defendants have deliberately delayed to file. Hence, prayed for reject the application.

03. Heard learned advocate for both the sides. This is a suit for partition and injunction. Perused material on record. True that, there is delay by the plaintiff to file his written statement. However, It is necessary to to hear other side, to decide the suit on merit and to resolve the between the party. The delay can be compensated by saddling cost upon the applicant. Hence, in the interest of justice I pass following order.

ORDER

- 01.** Application **Exh. 49** is allowed subject to cost of Rs. 300/- to be paid to the defendant.
- 02.** The delay is hereby condoned. The written statement of plaintiff be read and recorded after payment of cost.

Date : 13.04.2026.
Place: Palghar

(Sujata R. Bandal)
Jt. Civil Judge Jr. Division,
Palghar