

**MHTH170037122025**



**R. C. S. No. 120/2025**  
**Savita Heera Vaidya**  
**Vs.**  
**Harishchandra Vaidya**  
**& Ors**

**ORDER BELOW EXH. 13**

**01.** This is an application by defendants for condonation of delay for filing written statement. It is submitted that the summons has been served on defendants on 24.09.2025, thereafter defendants appeared before the Court. But due some personal reason they could not contact learned counsel for giving important information for the filing of written statement. Therefore, they could not file their written statement within stipulated period. Delay is not intentional. It is further submitted that it is necessary to hear other side to decide the matter on merits. Hence, prayed for allow the application.

**02.** Plaintiff filed say overleaf and oppose the application. It is submitted that reason given for the application are not just and proper. They have deliberately delayed to file the written statement. Hence, prayed for reject the application.

**03.** Heard learned advocate for both the sides. This is a suit for partition, declaration and injunction. Perused material on record. True that, there is delay by the defendants 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. 13** is allowed subject to cost of Rs. 300/- to be paid to the plaintiff.
  
- 02.** The delay is hereby condoned. The written statement of defendants be read and recorded after payment of cost.

Date : 04.05.2026.  
Place : Palghar

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