

MHYA210012862023



**ORDER EXH.11 IN R.C.S. No.44/2023**  
**Smt. Kusum Murlidhar Gatade+2 Vs. Pravin Murlidhar Gatade+1**

Defendant nos.1 and 2 made the present application for grant of permission to file W.S. on record, by condoning the delay of 05 days. Perused the application, say and the record. Heard the parties.

2) The applicants submitted that out of the reason of non availability of relevant and important documents, they unable to prepare written statement within stipulated period. The delay is caused beyond their power. Hence, this application.

3) The plaintiffs strongly opposed the application, as no reasonable cause is given and the contents are not on affidavit. Hence, prayed for rejection of application.

4) The suit involves the rights in respect of the immovable properties. Absence of defence, the plaintiffs would get the decree sans any reasonable contests on legal and factual issues. To resolve the dispute amongst the parties, on merit a fair opportunity to contests the matter it requires to be availed to the defendants. It will assists the Court to resolve the real controversy finally on merit rather than mere on technical aspects. The objections raised by the plaintiffs are justified. However, making defence is a substantial right of the defendants and therefore,

mere on the procedural aspects, the substantial right cannot be brushed out. The alleged delay is so meager and needs to be condoned with suitable costs. Hence, I pass following order.

**ORDER**

1. The application (Exh.11) is allowed, subject to costs of Rs.500/- to be payable to the plaintiffs, within 07 days, failing to compliance of costs amount, the application be deemed to be rejected.
2. On payment of costs amount, the delay of 05 days to file the written statement on record be condoned and the written statement submitted on record be accepted.
3. The application (Exh.11) is disposed of, accordingly.

Place : Wani.

Date : 29.02.2024

**(Sudhir M. Bomidwar)**  
Civil Judge (Jr.Dn.), Wani.