

ORDER BELOW EXH.121

This is an application filed by defendant No.45 for the condonation of delay to file written statement. As defendant No.22 was suffering from the cancerous illness and he is under treatment since last one year, he failed to file his written statement within limitation period. No prejudice will be caused to the plaintiff if the W.S. of defendant is accepted. To decide the matter on merit, W.S. of defendant is necessary to be accepted. Hence, prayed to allow application.

2. Ld. Adv. for the plaintiff submitted that, the delay is more than limitation period so it be rejected and heavy costs be imposed upon him.

3. Perused the application and say of plaintiff. To decide matter on the merit opportunity should be granted to the defendant No.45. Delay can not be ground for rejection. Delay can be compensated in terms of money. Hence, the order ;

ORDER

1. Application (Exh.121) is allowed subject to cost of Rs.200 (Two Hundred)
2. Amount of cost be paid to the plaintiff.

Place :- Latur
Date :-03/04/2023

(Jyoti J. Mane)
2nd Joint Civil Judge, J.D.,
Latur