

**In the Court of Sub Judge I
Madhubani
P.S. 226/2017 & CIS NO-101/2017
Ashok Kumar @Ashok Kumar Rai v/s Dinesh Rai & others**

13-11-2019 The case record is fixed for order today, hence put up for order. Attendance has been filed on behalf of defendant though his learned counsel.

ORDER

A petition alongwith an affidavit and fresh power has been filed on behalf of defendant no 2 Ganesh Kumar Rai and defendant no 6 Iner Devi on 21.06.2018 . Copy of this petition has been served to learned lawyer of the plaintiff. By this petition, learned lawyer of the defendants has stated that in this suit defendant no 1,3 and 4 have been filed the written statement and now that W.S. is adopted by defendant no 2 and 6.

The learned counsel for the plaintiff opposed this petition, by filing reply to this petition on dated 05.04.2019. He has submitted that the defendant no. 6 has filed her written statement on 20.12.2017 which is on record, therefore, there is no question to adopt the W.S. of defendant no 1, 3 and 4 . He prayed to reject the above said petition.

Having heard both the parties and after perusal of the record, it transpires that defendant no. 6 has filed her written statement on 20.12.2017 and after that defendant no. 6 filed the present petition to adopt the W.S. of defendant no. 1, 3 and 4. From perusal of the case record it also transpires that the defendant no. 6 filed the above mentioned petition with fresh power to adopt the W.S. of defendant no. 1, 3 and 4. Although, defendant no. 6 filed the petition to adopt the second W.S.

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(Continued/13.11.2019)

but it is well settled law that the party must be given opportunity to contest the suit for just and proper adjudication of the case on merit. Accordingly, in the light of above said facts, circumstances and in the interest of justice, the above said petition dated 21.06.2018 is allowed.

Case is fixed on 02.12.2019 for compliance of the provision of section 89 C.P.C.

(Typed and corrected by me)

Rakesh Kumar Tiwari

Sub judge I, Madhubani