

ORDER ON I.A.III & IV

The defendant has filed I.A.No.III under Order IX Rule 7 of CPC, praying to set aside the order of exparte passed against him and I.A.No.IV under Section 151 of CPC praying to receive the written statement on record.

In the affidavit it is pleaded that, the suit notice was not served to the defendant and he came to know that his signature has been forged by the plaintiff by misleading the court bailiff. The signature found in the suit summons is not his signature and hence he can not aware of this suit and therefore he has not appeared and filed the written statement earlier and at the time of alleged service of notice he was working at Maharashtra. Hence, these applications.

The plaintiff has not filed objection. Hence, objection to IA.No.III and IV taken is nil.

Heard and Perused the records.

The plaintiff has filed the present suit for injunction. No doubt there is a delay in filing the written statement. But the defendants must be given every opportunity to defend his case. In so for the delay is concern, that may be compensated by imposing cost on the defendant. The reasons assigned are satisfactory. Hence, I proceed to pass the following:-

ORDER

The I.A.No.III and IV filed by the defendant under Order IX Rule 7 and Under Section 151 of CPC are hereby allowed.

The order of exparte passed against the defendant is hereby set aside.

The written statement is taken on record.

For Issues or hear on IA.No.V :
14.10.2019

PRL. CIVIL JUDGE & JMFC,
BANTWAL.

