

ORDER BELOW EXHIBIT NO.16

This is an application on behalf of defendant no.1 for setting aside No. W. S. order and for permission to file his written statement on record.

2. The plaintiff filed say overleaf the application and contending that, inspite of sufficient time defendant not filed his written statement. The reason given in application is not proper. Hence, application may be rejected.

3. Heard both sides. Perused the record. It reveals that, present suit is for declaration and injunction. The defendant is proper party in suit. Therefore, before passing any order and to decide the suit finally written statement of defendant is necessary. Further, procedural rules are only directory and not mandatory. Under such circumstances fair opportunity must be given to defendant no.1 to establish his defence. Thus, in the interest of justice this court is inclined to allow the application of defendant no.1. Hence, I pass following order.

ORDER

1. Application at Exh.16 is allowed subject of cost of Rs.500/- (Five Hundred Only) payable to plaintiff on or before next date.

Date: 21/08/2024
Place: Newasa

Sd/-
(Smt. S.Y.Sul)
2nd Jt. Civil Judge Jr. Division, Newasa