

**ORDER BELOW EXH. NO.23.**

1. This application is filed by defendant No.2 for getting permission to file her written statement on record. Defendant No.2 has filed the application on the ground that, when this matter was fixed for filing written statement by the defendant No.2, at that time, the defendant No.2 was ill. Therefore, she could not attend the court for filing written statement. Due to that reason, she could not file her written statement within stipulated period by giving necessary information and instruction to her Ld. Advocate. But the defendant No.2 really wants to contest the suit. Therefore, she be permitted to file her written statement on record.

2. Plaintiff has strongly resisted this application by filing her say on the leaf of this application. She has opposed this application on the ground that, it is filed belatedly and no satisfactory reason is given for giving permission to file written statement by defendant No.2. So this application is not maintainable. Further, she has prayed for the rejection of this application with heavy cost.

3. The points for determination along with my findings thereon are as follows.

**POINTS****FINDINGS.**

- |   |                         |
|---|-------------------------|
| [i] Whether there is a sufficient reason to allow the defendant No.2 for filing her written statement on record ? | Yes.                    |
| [ii] What order ?   | Application is allowed. |

**REASONS****As to point No.1 :**

4. The suit is for permanent and mandatory injunction alongwith declaration. The learned advocate of defendant No.2 has narrated at length about the illness of defendant No.2 due to which the defendant No.2 could not appear in Court on fixed date for filing her written statement. Considering said submission of learned advocate of defendant No.2, the reason assigned appears to be satisfactory. Therefore, in my view, in the interest of justice it will be just and proper to grant an opportunity to the defendant No.2 to contest the suit by filing her written statement. Therefore, the defendant No.2 needs to be permitted to file her written statement on record. Hence, the point No.1 is answered in the affirmative and in response to point No.2, I proceed to pass the following order.

**ORDER**

1. The application Exhibit 23 is allowed.
2. The defendant No.2 is hereby allowed to file her written statement on record by condoning the delay caused for it.

Date: 20/06/2023

Sd/-  
( **Mahesh S. Kale** )  
Civil Judge (Sr.Dn.),  
Akot.