

ORDER PASSED BELOW EXH-19 IN RCS No.240/2019.

This is an application filed by defendant for granting permission to submit say and written statement. It is contention of defendant that, due to pandemic situation he is unable to file his written statement within time. Therefore, prayed to allow the application. In support of the application he filed his affidavit.

2. Plaintiff has filed his say on overleaf of application. Plaintiff has strongly objected the application on ground that, summons duly served to defendant on 24.01.2020. Defendant intentionally not filed his say and written statement. No sufficient reason given by defendant to allow the application. Therefore, prayed to rejected the application with heavy cost.

3. Perused application and say. Advocate for parties argued as per their application and say.

4. Perused the record. Suit summons is served to defendant on 24.01.2020. He appeared on 30.01.2020. He failed to filed written statement within stipulated period. Therefore, no say and written statement order passed on 21.09.2020. Admittedly due to failure of defendant suit proceed without his written statement. In the application, defendant contended that due pandemic situation he is unable to filed written statement within time. But taking into consideration pandemic situation hamper official works after 21.03.2020. Defendant nowhere specifically stated that, for which reasons he is unable to filed his written statement.

5. Summons duly served to defendant on 24.01.2020. Despite of granting time to filed written statement on 24.01.2020 and 04.03.2020 defendant failed to filed his written statement. Present suit is for perpetual

injunction. In it valuable immovable property rights are involved. To decide real controversy in question, it is necessary to give an opportunity to file written statement to defendant. No hardship will be caused to plaintiff if written statement of defendant is on record. Written statement of defendant is helpful to decide suit finally on merit. Therefore, at the same time it is necessary to impose cost on defendant for causing delay while granting the application. In view of above discussion, I pass following order.

ORDER

1. Application is allowed subject to costs of Rs.400/- (Four hundred only)
2. After depositing cost amount written statement of defendant is read and recorded.
3. Plaintiff is at liberty to withdrawal cost amount.
4. Payment of cost amount is condition precedent.

Dated : 14.10.2020.

Jt. Civil Judge J. D., Sillod.

CERTIFICATE

I affirm that, the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : K. P. Patil.

Court : Shri. Ravi P. Thore,
Jt. Civil Judge (J.D.) Sillod.

Date of Order : 14.10.2020.

Order signed by the
presiding officer on : 14.10.2020.

Order uploaded on : 14.10.2020.

Signed by digital signature : 14.10.2020.