

**ORDER BELOW EXH. 19**  
**(Dated 08-10-2020)**

1. Perused the application. The defendant filed the present application and seeking time for filing written statement and reply to the temporary injunction application on ground that his health is not good.

2. Perused the say filed by the plaintiff. The plaintiff averted that this court has directed to the defendant on 28.09.2020 by passing an order below Exh. 18 that the defendant must filed his written statement as well as reply to the temporary injunction application on or before 08.10.2020. The plaintiff further averted that the defendant failed to comply direction given by this court, therefore, the present application is not tenable. Therefore, the plaintiff prayed for rejection of the present application.

3. Heard advocate Mr. S. K. Bawariya for the defendant. Heard advocate Mr. M. S. Shahare for the plaintiff.

4. Perused the record. After perusal of record it appears that the plaintiff filed the present suit for declaration and perpetual injunction. After perusal of record it also appears that the plaintiff also filed temporary injunction application below Exh. 5. After perusal of record it also appears that suit summons and notice for temporary injunction application served on the defendant vide Exh. 11 and 12, respectively, on 17.07.2020. After perusal of record it also appears that the defendant filed an adjournment application below Exh. 15 to 18 and sought time for filing written statement and reply to the temporary injunction application. Accordingly, adjournment applications below Exh. 15 to 18 were allowed.

5. Today, the defendant filed the present adjournment application on ground that he is suffering from cough and cold. As already stated above service of suit summons and notice of temporary injunction application served on defendant on 17.07.2020. Till today the defendant has not filed written statement as well as reply to the temporary injunction application. After perusal of record it also appears that on last date i.e. 28.09.2020 the defendant filed an adjournment application for filing his written statement and reply to the temporary injunction application. Accordingly, said

adjournment application was allowed as a last chance. Moreover, further directions was given to the defendant to file his written statement as well as reply to the temporary injunction application on or before 08.10.2020. Moreover, further directions was given to the defendant if he failed to file written statement and reply to the temporary injunction application on or before 08.10.2020 then the court will proceed in the present suit as per law. However, the defendant today also filed an adjournment application on a ground that he is suffering from cough and cold. The defendant merely averted in his adjournment application that he is suffering from cough and cold but he could not file medical certificate along with the present application on record. In the present suit temporary injunction application below Exh. 5 is pending. After perusal of record it is clear that the defendant intentionally prolonging the present suit. Moreover, the defendant has not complied the directions given to him by passing an order below Exh. 18 dated 28.09.2020. Therefore, as discussed above as well as facts and circumstances of the present case the present application deserves to be rejected. Therefore, I proceed to pass the following order:-

**ORDER**

The present application is hereby rejected.

Date : 08-10-2020

Mohmad Wasim Akram  
S/oMohmad Jalal Sheaikh  
Civil Judge, Jr. Division,  
Deori.