

**ORDER BELOW EXH.14**  
**(Passed on 27<sup>th</sup> November, 2020)**

This is an application filed by defendant no.1 Chandrakala for permission to file the written statement.

2. It is the contentions of defendant no. 1 that on 24.04.2019 suit summons has been served on her and she appointed her advocate on 08.07.2019 to defend the present suit. It is the further contentions of the defendant no. 1 that due to lack of information she could not file her written statement within prescribed period. Therefore, defendant no.1 is seeking permission to file written statement.

3. Say of plaintiff was called. The plaintiff filed his say and averted that stipulated time for filing written statement has expired. Therefore, costs be imposed on defendant no. 1.

4. Heard learned advocate Mr. M. S. Shahare for defendant no.1 and also learned advocate Mr. P. B. Ganbhoir for the plaintiff.

5. Perused the record. After perusal of record it appears that the plaintiff filed the present suit against defendants for declaration and perpetual injunction. After perusal of present application it appears that it is the contentions of defendant no. 1 that she could not file her written statement within stipulated time due to lack of some information. Perused the record and annexed documents. After perusal of record it appears that suit summons has been

served on defendant no. 1 on 24.04.2019 vide Exh. 6. Later on, on 08.07.2019 the advocate Mr. M. S. Shahare filed Vakalatnama on behalf of defendant no. 1. Moreover, defendant no. 1 averted that she could not file written statement within stipulated time due to lack of some information. Said ground mentioned in the present application is not proper because suit summons served on defendant no. 1 on 24.04.2019. However, till the filing of present application i.e. on 16.09.2019 the defendant no. 1 could not file her written statement. The grounds mentioned in the present application are not genuine. Moreover, the present suit is relating to the immovable property. If the application is allowed no prejudice will cause to the plaintiff. Per contra it will avoid the multiplicity of the proceeding. For fair trial it is necessary to give an opportunity to defendant no.1 to defend the suit. If an opportunity is not given to defendant no.1 it will cause hardship to her. Moreover, delay caused by the defendant no. 1 for filing written statement can be compensatory by imposing costs on defendants. So in the interest of justice, I proceed to pass the following order.

**ORDER**

- 1) The application is allowed with costs.
- 2) Defendant no.1 is permitted to file her written statement subject to payment of costs of rupees 1000/- (One Thousand Only) to the plaintiff.

- 3) If the defendant no. 1 failed to pay a cost of Rs. 1000/- (One Thousand Only) to the plaintiff on or before next date then the present order is automatically set aside.

Date : 27-11-2020

Sheaikh Wasim Akram  
Civil Judge Junior Division,  
Deori.