

ORDER BELOW EXH. 11
(Passed on 03rd February, 2022)

This is an application filed by the defendant for permission to file written statement.

2. It is the contentions of the defendant that on 05.03.2021 suit summons duly served on her, accordingly, on 05.07.02021 she appeared through her advocate. It is further contentions of the defendant that Covid-19 restrictions was imposed by the Government, therefore, she could not filed written statement within stipulated time. Therefore, the defendant filed the present application for permission to file written statement.

3. Plaintiffs filed say on the present application and stated that on 05.03.2021 suit summons duly served on the defendant. Plaintiffs further stated that the defendant deliberately delay the present suit and harass plaintiffs. Plaintiffs further stated that the defendant could not filed her written statement within stipulated time. Therefore, plaintiffs prayed to reject the present application.

4. Heard learned advocate Mr. M. S. Shahare for the defendant. Also heard learned advocate Mr. P. B. Ganboir for plaintiffs.

5. Perused the record. After perusal of record it appears that plaintiffs filed the present suit for declaration, possession and perpetual injunction.

6. Perused the record. After perusal of record it appears that on 05.03.2021 suit summons duly served on the defendant vide Exh. 6. After perusal of record it also appears that on 05.07.2021 the defendant was present before the Court through her advocate Mr. M. S. Shahare. Accordingly, the Vakilpatra filed below Exh. 8 of dated 05.07.2021.

7. It is the contentions of the defendant that Covid-19 restrictions was imposed by the Government, therefore, she could not filed her written statement within stipulated time. It is pertinent to note here that on 05.07.2021 the defendant appeared in the present suit through her advocate. It is also pertinent to note here that in the year of 2021 the government partially withdrawn the lock-down. It is also pertinent to note here that in the years of 2021 means of communication are available for the people in the society. However, reasons mentioned in the present application is not proper and genuine. However, the present suit is relating to the immovable property. If the application is allowed no prejudice will cause to plaintiffs. Per contra it will avoid the multiplicity of the proceeding. For fair trial it is necessary to give an opportunity to the defendant to defend the suit. If an opportunity is not given to the defendant it will cause hardship to her. However, delay caused by the defendant for filing written statement can be compensated by imposing costs on the defendant. So in the interest of justice, I proceed to pass the following order.

ORDER

- 1) The application is allowed with costs.
- 2) The defendant is permitted to file her written statement subject to payment of costs of rupees 2,000/- (Two Thousand Only) to plaintiffs.
- 3) If the defendant is failed to comply the present order on or before next date then the present order is automatically set aside.

[Pronounced and dictated in open Court.]

Date : 03-02-2022

Sheaikh Wasim Akram
Civil Judge Junior Division,
Deori.