

ORDER BELOW EXH. 21

1] This is an application filed by Counter defendant to set aside mo say-
ws order passed against him. It is
contended that, due to ill-health of
relative and thereafter demise this
answering Counter defendant was unable
to file his Counter say-ws within
stipulated time. Hence prayed to set
aside the order.

2] Counter plaintiff has filed say
on overlay of the application and
has strongly objected to allow it.
He has intentionally caused delay and
also did not pay the cost proposed.
Thus pray to reject the application.

3] Gone through pleadings and record
Counter claim is filed for perpetual

Injunction alongwith T.G. application against this present applicant. Reason though justified, but is Vague. No relation with the one who expired, is mentioned. Nor supporting document is filed. Counter claim is filed on 11/10/24 and no say - ws order is passed on 16/10/25 i.e. almost after granting period of 11 months. Considering facts & relief sought, opportunity of heard is required. It will help resolving dispute on merits & at rest. Thus in the interest of justice & fair trial I find it proper to allow application subject to heavy cost for delay caused. Hence
Order:-

ORDER

- 1) Application Exh 21 is hereby allowed subject to cost of Rs 1000/-, which shall be paid to counter plaintiff without fail by next fixed date.
- 2) Failure to comply order as directed shall automatically vacate the order of setting aside no-say ws. It be noted.

Adette
25/10/25