



ORDER PASSED BELOW EXH.NO.8

- 1) Perused the application submitted by the respondent No.1 for grant of permission to file written statement by setting aside ex-parte order.
- 2) Perused the record. Record shows that respondent no.1 was duly served with summons on 07/11/2019, but he failed to appear and file his written statement within prescribed time limit. Thereafter, the reference proceeded ex-parte against him.
- 3) Perused the application of respondent No.1 and say of claimant. It is well settled that the provisions of O-VIII R-1 of Code Of Civil Procedure are directory and not mandatory and it can be stretched in rare and exceptional cases. Respondent No.1 has filed this application along with his written statement on today itself.
- 4) The present petition is for the enhancement of compensation. The respondent No.1 came with his written statement. If the opportunity is not granted to the respondent No.1 to protest the reference claim, irreparable loss will be caused to him. On the other hand no prejudice would be caused to the claimant, if written statement of respondent No.1 is taken on record. Hence, following order is passed to meet the ends of justice.

ORDER

Application for taking on record the written statement filed by the respondent No.1 is granted.

Place: Nilanga.
Date : 02/02/2023.

(Anand S. Munde)
Jt. Civil Judge, S. D., Nilanga.