

**ORDER BELOW EXH. 13 IN R.C.S. No. 114/2019**  
**( Madhukar Vs. Sharad )**  
**CNR NO. MHLA13000 6522019**

The present application is filed by defendant for setting aside no written statement order passed against them on 29/11/2019.

2. By filing present application it is submitted by the defendant that he is agriculturist and illiterate person, therefore, he could not get the information within time, which was necessary for preparation of his written statement, therefore, he could not file his written statement within prescribed period of limitation. Therefore, considering the reason and nature of the suit, no W.S. order passed against him may be set aside.

3. The ld. advocate for plaintiff filed his say and submitted that the defendant has not filed his written statement within the prescribed period of limitation, even though sufficient opportunity was given to him. The present application is filed only to cause delay. If the Court comes to conclusion to allow the application, then the application may be allowed with heavy costs.

4. Heard the ld. adv. for the defendant and the plaintiff. After perusal of record it is seen that the present suit is filed by the plaintiff for recovery of possession. According to plaintiff there is excess land with the defendant. Therefore, considering the nature of the suit, the presence of defendant is necessary for final adjudication of the suit and for that purpose it is necessary to give an opportunity to the present defendant to file his written statement. While giving an opportunity to the present defendant, it is to be taken into consideration that there is delay on the part of present defendant. Hence, I proceed to pass the

(2)

following order:

**ORDER**

The application is allowed subject to costs of Rs. 100/- (One Hundred Rupees). Amount of costs be credited to the Government.

**Dated 06/03/2020**

**( O. M. Mali )  
Civil Judge J.D. Renapur.**