

ORDER BELOW EXH. 42 IN R.C.S. No. 173/2017
(Nijam Vs. Matin & Ors.)

The present application is filed by the plaintiff for setting aside no written statement order on counter claim filed by the defendant no. 1 passed on 21/9/2018.

2. By filing present application it is submitted by the plaintiff that he is old aged person and he was ill therefore he could not remain present before the Court and file his written statement. The suit is regarding valuable landed property, therefore, opportunity may be given to the plaintiff to file written statement on counter claim filed by the defendant no. 1.

3. The ld. advocate for defendant no. 1 filed his say and submitted that it was necessary on the part of the plaintiff to file separate application for condonation of delay. In order to support the contents of the application the plaintiff has not filed medical certificate on record. Therefore, the application filed by the plaintiff may be rejected.

4. After perusal of contents of the application and say it is seen that the plaintiff could not file his written statement on counter claim filed by the defendant no.1 within the period of limitation. In order to support his contention the plaintiff has not filed medical certificate on record. After perusal of record it is seen that the defendant no. 1 has raised his counter claim regarding recovery of possession. The subject matter of the suit is valuable immovable property. Therefore, it is necessary to give an opportunity to the plaintiff to file his written statement on counter claim filed by the defendant no. 1. While giving an opportunity to the plaintiff in order to compensate the defendant no. 1, it is necessary to impose costs on the

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plaintiff. Hence, I proceed to pass the following order:

ORDER

The application is allowed subject to costs of Rs. 100/- (One Hundred Rupees). Amount of costs be given to the defendant no. 1.

Dated 03/02/2020

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