

ORDER BELOW EXH. 24

1. This application is filed by defendant No. 2 to 4 for setting aside No W.S. order. The plaintiff has opposed said application by filing reply.

2. It is submitted by defendant No.2 to 4 that due to non availability of necessary documents they could not filed written statement within limitation. No W.S. order came to be passed against them on 22.02.2021. Property in the suit is valuable. Valuable rights of the parties are involved in it. Therefore, it is necessary to accept the Written statement. Per contra, the plaintiff objected said application.

3. Perused record of case. It appears that the plaintiff has filed suit for declaration of ownership and recovery of possession. Subject matter is immovable property. It appears from application that due to non-availability of documents, defendant No. 2 to 4 could not file written statement within time limit. Application is also supported by affidavit. Plaintiff has not filed any counter affidavit. It is necessary to consider the circumstances of Covid-19 in the year 2021. Furthermore, it appears that defendant No. 2 to 4 are old age persons. To decide matter on merit and for the purpose of natural justice, it is necessary to accept W.S. of defendant No.2 to 4. Hence, I pass the following order.

ORDER

Application (Exh.24) is allowed and permission is granted to defendant No. 2 to 4 to file W.S. on payment of costs of Rs. 500/- to the plaintiff.

Date : 24.02.2022.

(P.P. Kale)
Civil Judge Junior Division,
Chakur.