

CNRNO-MHLA150009932017



**ORDER BELOW EXH.102.**

1. This application is filed by defendants no.1, 15 & 18 for dondonation of delay to file W.S. Plaintiff has opposed application.

2. It is submitted by defendants that, they could not file their written statement due to ill health of defendant no.1 and 15 and unavailability of necessary documents. The defendant no. 18 was only caretaker of defendant no.1 and 15. Therefore no W.S. order has been passed below exh.1 against these defendants on 17.11.2018. Covid-19 period is excluded by Hon'ble Supreme Court. By the above mentioned reason defendants could not contacted to their advocate and not file their W.S. within stipulated period. So, delay of 696 days has been caused to file W.S. The delay has not been caused intentionally. Property in the suit are valuable one and to protect the rights of defendants they prayed for allow the application.

3. Per contra, it is submitted by plaintiff that, defendants intentionally for prolonging the matter avoiding

to file W.S. Reason mentioned in the application is not justifiable so application be rejected with costs.

4. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for partition and separate possession. It appears from record that defendants failed to file written statement within limitation. Application is supported by affidavit of Maheboob Imamsab @ Imamkhan Pathan (Defendant no.1). There is sufficient reason to condone the delay for written statement. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. No counter affidavit of plaintiffs is filed on record. Considering the direction of Hon'ble Supreme Court in suo moto writ petition in respect of covid-19 and extension of time limit in court matter and for the purpose of natural justice, it is necessary to condone delay to file written statement of defendants. So, I pass following order.

**ORDER**

Application (Exh.102) is allowed and delay of 696 days to file written statement is condoned on payment of costs of Rs.1500/- given to the plaintiff.

Date : 09.12.2022.

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