



Order below Exh.37 in RCS No. 43/2019

(Anjali Vs.. Murlidhar & Oths)

CNR No.MHLA150002292019

Read the application and say filed thereon. Heard the learned advocates for both the parties.

2. This is an application filed by defendant nos.1 to 3 for taking their W.S. on record. According to them, plaintiff has filed present suit for partition and possession. The matter is for immovable property and to meet ends of justice, they prayed to allow the application.

3. On the contrary, plaintiff opposed the application contending that the reason mentioned in the application is not proper. The application is not supported by any document. Hence the delay is deliberate and intentional. Moreover the reason is not proper. Hence plaintiff prayed for rejection of the same with heavy costs.

4. Considering the submissions made on behalf of both the parties and on perusal of the records of case it is seen that summons was served. Defendant nos.1 to 3 appeared on dated 24/04/2019. However, defendant nos.1 to 3 have failed to file W.S. within limitation. There is much delay in filing this application. No any document is filed on record. Even though to adjudicate the case on merits and to give fair and reasonable opportunity, it will be just and proper to allow the application subject to costs. Moreover the loss caused to plaintiff may be cured by imposing proper costs. Hence, the following order.

Order

1. Application is allowed subject to cost of Rs.500/- (Rs. Five hundred only) to be paid to plaintiff.
2. No W.S. order passed against defendant no.1 to 3 be set aside accordingly after payment of costs.

Date : 04/02/2020

(A.S. Alewar)
Civil Judge J. D. Chakur