

ORDER BELOW EXH. NO.24 IN R.C.S.NO.474/2023

Babita Vs. Manik and Others.
(Passed on this 18th Day of March, 2024)
CNRNO.MHLA170010432023

Defendant No.3/1 has filed application for setting-aside “No written statement” order passed against her on 24.08.2023. It is submitted by defendant No.3/1 that, she could not obtained important documents within time. Therefore, she could not file her written statement within stipulated time. Therefore, it is necessary to file her written statement on record to put up her case.

Perused the say of plaintiff. She has objected the application on the grounds that, already defendant No.3/1 is granted enough time. Therefore, heavy costs be imposed on defendant No.3/1.

Heard learned counsels for both the parties. Perused the record. It reveals that, no written statement order was passed on 24.08.2023. Thereafter defendant No.3/1 has filed this application 29.02.204. Considering the delay caused by defendant No.3/1 to file the application and further considering the fact that, it is necessary to grant opportunity to defendant No.3/1 to put up her case, in the interest of justice and for just decision of the suit the application filed by defendant No.3/1 needs to be allowed with cost. Therefore, I proceed to pass further order below Exh.1.

Sd/-

(P. I. Mokashi)

Civil Judge Senior Division,
Ausa.

Date : 18.03.2024.
Place : AUSA.

Order Below Exh.No.1

1. In view of order passed below Exh.No.24 “No written statement” order passed against defendant No.3/1 is set-aside subject to cost of Rs.500. The cost amount be handed over to plaintiff.

Date : 18.03.2024.
Place : Ausa.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.