

MHND260008512023



Order Below Exh. 19

This is an application filed by the defendant for setting aside no written-statement order.

2. According to the defendant, some important documents was to be collected from Revenue Offices for preparation of written-statement. During the period this court passed no written-statement order on 21.07.2024.

3. The plaintiff opposed this application and prayed for imposition of heavy costs.

4. Read application, say. Heard learned Advocate for respective parties and perused record. It shows that, summons had duly served to the defendant on 21.11.2023. The defendant had appeared on 06.12.2023. As per provision under Order VIII Rule 1 of Code of Civil Procedure, the defendant had to filed written-statement on or before 21.02.2024. Since, the time was elapsed. This court constrained to pass no written-statement order against the defendant. As per Order VIII Rule 1 of Code of Civil Procedure and ratio laid down by Hon'ble Supreme Court in the case of Salem Bar Association Vs. Union of India this court is of the opinion that, provisions under Code of Civil Procedure has to be liberally construed.

5. This application is supported by affidavit. There is no in ordinary delay which can be condoned on imposition of certain costs over the defendant under section 35-A of Code of Civil Procedure. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. No written-statement order passed by this court dated 21.02.2024 is condoned subject to costs of Rs. 500/- to be paid to the plaintiff.

Place:- Ardhapur
Date:- 13/12/2024

(Q.R.Syed)
Jt. Civil Judge, Junior Division,
Ardhapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Jr. Clerk: A.V.Shahane

Court of : Jt. Civil Judge Junior Division, & JMFC Court No. 02, Ardhapur
Dist. Nanded.

Date of pronouncement of Judgment/Order : 13.12.2024

Judgment/Order signed by the Presiding Officer : 13.12.2024

Judgment/Order uploaded on : 13.12.2024