

**ORDER BELOW EXH. 19**  
(PASSED ON 13/01/2022)

This is an application filed by defendant Nos. 2 to 6 for setting aside no written statement order dt- 28-08-2021 and permission to file written statement and reply on record. Plaintiffs has contested the claim by filing their say below Exh. 21.

2. Heard learned advocate for both the parties. Perused record alongwith say of plaintiffs.

3. Learned advocate for the defendants has submitted that plaintiffs have filed suit for partition and separate possession with other relief. Due to S.O.P. clients were prohibited to appear in the Court premises. Since 1<sup>st</sup> August Courts are working regularly. On 28/08/2021 present case was fixed for filing written statement. But on that day counsel for defendant could not appear as his uncle was died. Therefore, this Court has passed order of no written statement on 28/08/2021. The Apex Court during period of Covid-19 lockdown relax the limitation. Hence, defendants may permit to file their written statement in order to fair trial. No prejudice will cause to the plaintiff hence, this application be allowed.

4. Learned advocate for plaintiffs has submitted that, for urgent and necessary work clients were permitted with safety measures to entire the Court premises. The Apex Court has permitted and relaxed limitation of section 5 of Limitation Act. It has not relax the statutory period of filing written statement. There is no merit in this application. Defendant Nos. 2 to 6 have not file any document in

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support fo their contentions. Hence, this application be rejected with heavy costs.

5. After considering the submissions of both parties and on perusal of record and say of plaintiffs. It appears that plaintiffs have filed present suit for partition, separate possession and permanent injunction. It appears that defendants are ready to file their written statement on record. They had given reason for which they could not file their written statement within stipulated period. To decide suit on merit it is necessary to give opportunity to the defendants to bring their defence on record. Hence, considering the reason mentioned the application, in the interest of justice, I proceed to pass the following order.

**ORDER**

- 1) The application is allowed subject to costs of Rs. 300/-.
- 2) Pay costs to the plaintiffs.
- 3) Defendant Nos. 2 to 6 are directed to file their written statement immediately.

Date : 13-01-2022

(Kum. V.P.Dhurve)  
Civil Judge Junior Division,  
Ramtek.