

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

S.C.S. No. 138/2023

Ashok vs Nasiba

Order below Exh. 51

(Passed on 07th day of September, 2023)

This is an application filed by defendant No. 1 to 4 to set aside no Written Statement order passed against them. Ld. Advocate for defendant No.1 to 4 has submitted that due to COVID-19 the counsel of the defendant could not contact with the defendants to prepare written statement and in the meantime, on 05.08.2021, the court pleased to pass no written statement order. Therefore, the defendant No. 1 to 4 submitted that written statement may be taken on record in the interest of natural justice.

2. On the other hand, plaintiff has filed his say and strongly opposed the application by stating that the present application is filed without seeking condonation of delay as there is delay of more than 18 months in filing this application. Defendants failed to explain the delay in filing the present application within limitation. Therefore, prayed to reject the application with cost in the interest of justice.

3. Heard both sides. I must mention here that reason given by defendant No. 1 to 4 is not just. However, in the interest of natural justice, defendant No. 1 to 4 are required to be permitted to file their written statement on record subject to cost of Rs.2,000/-. Hence, I proceed to pass following order-

ORDER

- 1] Application is allowed subject to cost of Rs.2,000/-.
- 2] Cost be given to the plaintiff.
- 3] Written statement be taken on record after payment of cost.

Ramtek.
Dated :07.09.2023.

(S.M. Sarode)
Civil Judge Senior Division,
Ramtek