

ORDER BELOW EXH.16 IN R.C.S. NO. 19/2017

(Passed on 30/10/2017)

Defendant filed an application for setting aside no written statement order passed by the court passed on 23/06/2017 and permission to file written statement and counter claim.

2] Read application and say on it. Defendant submitted that he appeared before this court on 16/03/2017 and thereafter he was arranging the necessary documents for drafting written statement. He was in dire need of money and due to which he could not pay the necessary agreed fees to his counsel and after borrowing some amount from friends, he could arrange the fees and hence the written statement could not be filed in the court and no written statement order passed against him. Hence, application may kindly be allowed.

3] Plaintiff strongly opposed this application and submitted that sufficient opportunities are given to the defendant to file written statement but defendant deliberately avoid to file written statement in statutory period. Hence, application may kindly be rejected with costs.

4] Read application and say on it. Heard both parties. Though defendant could not file the written statement within period, it will be proper to given an opportunity each party to put his side for proper adjudication. No any irreparable loss will be cause to the plaintiff if application is granted. Hence, in the interest of justice, I pass the following order.

ORDER

1. Application is allowed.
2. No written statement order passed by this court is set aside subject to costs of Rs. 500/-.
3. Defendant is permitted to file his written statement and counter claim.

Hingna.
Date : 30/10/2017.

Sd/-
(R.R. Ahir)
Civil Judge Jr. Division,
Hingna.