

ORDER BELOW EXH.15

(Passed on 16.04.2026)

This is an application filed by defendant no.1 to condone the delay to file their written statement.

2. Defendant no.1 submitted that, earlier counsel appointed by defendant is not properly describe the case to the defendant so recently he change the counsel due to that the delay has been caused to file the written statement. So also for preparation of written statement the delay has been caused for collection of some documents, therefore, the delay caused for filing written statement is not intentional and if application is allowed no prejudice will cause to the plaintiff. Hence he prayed for allowed the application.

3. Plaintiff objected the application on the ground that summons is served on defendant on 11.11.2025. Thereafter, his counsel had filed vakalatnama in the Court but thereafter he did not file his written statement within stipulated period. The delay has not properly explain by the defendant. The reason mentioned in the application is false and bogus. Hence he prayed for reject the application.

4. On perusal of record, it appears that the present suit is filed for declaration and permanent injunction against the defendants. As per the record it appears that summons is duly served on defendant on 11.11.2025, thereafter he appeared before the Court on 11.11.2025 and filed his vakalatnama on record but thereafter defendant not filed his written statement within stipulated period. As perusal of application defendant did not mention how much delay has been caused in his application. However. As

per order of Hon'ble Supreme Court and it is well settle law that the opportunity must be given to the defendant to defend his case. So, considering the reason stated by the defendant for cause in delay is appeared justify therefore, this application is deserved to be allowed. However, no prejudice will cause to the plaintiff if the application is allowed, Hence I pass following order.

ORDER

- (1) Application (Exh.15) is allowed subject to costs of Rs. 500/- (Rs. Five Hundred only).
- (2) Costs to be paid to the plaintiff today or on or before next date.

Bhiwapur
Date:-16/04/2026

Sd/-
(S. J. Lad)
Civil Judge Junior Division
Bhiwapur.