

ORDER PASSED BELOW EXH.11 IN RCS No.07/2020

The Defendant has moved present application for setting aside no written statement order. He has submitted that the delay is not deliberate. Moreover, he deserves an opportunity to put forth his evidence. This is strongly objected by Plaintiff through his say as according to Plaintiff the application is false and misleading. Hence, rejection along with costs is prayed for.

2. Perused the application and say filed by Plaintiff. According to Defendant the delay in conducting cross has not been deliberately. He is praying for the setting aside of the no written statement order. Plaintiff is resisting the application. I have gone through the application. It is supported by an affidavit. It would show that delay is not deliberate. The Defendant must have an opportunity to contest the matter. Delay can be compensated in terms of costs. Therefore, I am inclined to allow the application. Hence, I pass following order-

ORDER

1. This application is allowed subject to costs of Rs.100/- to be paid to Plaintiff on or before next date.
2. If the Plaintiff is absent this amount be deposited in court.

Date :- 15/06/2022.
Place :- Dindori.

(Smt. K.N.Gowariker)
Civil Judge, Junior Division,
Dindori.(Nashik.)