

MHNS140009402019



Order below Exh. 16

1. This is an application filed by the defendant to set aside no written statement order dated 24/02/2021 passed against him.

2. The defendant states herein that he served with summons and notice. Due to lockdown of Covis -19 he was unable to collect the documents of revenue. Therefore dealy is caused to file written statement. It is further submitted it is required to read his written statement in evidence to decide the suit on merits. The opportunity must be given to him to stand his case before the court. Hence prayed for allow the application.

3. This application is strongly opposed by the plaintiff by filing his say at Exh. 23. It is stated therein that the application is not true. The defendant deliberately prolonging the proceeding. The defendant has given no cogent explanation. Hence, prayed for reject the application and if the application is allowed the cost of Rs. 11,000/- may be impose upon him.

4. I have heard the ld. Counsel for the both the side. I have also gone through the record. The contention of the defendant has to be accepted that if he will not allow putting up his case he will suffer loss. This is suit for perpetual injunction. However, to give a fair opportunity to the defendant to prove his claim it would be just and proper to allow this application subject to cost for causing delay. Hence, in the interest of justice I pass the following order.

:ORDER:

1. Application Exh. 16 is allowed subject to cost of Rs.200/ to be paid to plaintiff.
2. The written statement of the defendant read and recorded after payment of cost.

Dindori.
Date: 09/09/2021.

(S.R.Bandal)
Jt. Civil Judge Jr. Dn.,Dindori.