

ORDER BELOW EXH. - 20

The defendant no. 1 filed this application for setting aside the no written statement order dated 26/02/2016. He further submitted that his previous advocate was died and for appoint of new advocate and wants to obtain some documents and information in the present suit. However, the previous learned advocate was died on 03/05/2016 and his colleges could not file the written statement meanwhile. Therefore, this court has passed the no written statement order against defendant no. 1 on 26/02/2016. He further prayed that the matter will decided on merit. The written statement of defendant no. 1 has been taken on record, otherwise he will sustain irreparable loss and prayed for set aside the said order and ask permission to file written statement.

The plaintiffs objected this application on the ground that there is a delay near about 11 months to file written statement. Hence, prayed that heavy costs may be awarded if application is allowed.

Heard both advocates. The matter required to be decided on merits. Defendant no. 1 is required to defend his suit on merit. Considering the contents of this application I did not find any intentional delay on the parts of litigant. Therefore, applications deserves to be allowed. Hence, I pass following order -

ORDER

Application is allowed, no written statement order against defendant no. 1 on 26/02/2016 is hereby allowed and permission to filed written statement is granted subject to pay costs of Rs. 500/- to the plaintiff.

Date – 07/03/2017

(K.G. Chaudhari)  
Civil Judge, Junior Division,  
Chandwad.