

MHNS170006082015



Order below Exh.52 in R.C.S. 92/2015

1. This is an application filed by the defendant whereby she prayed for setting aside no additional written statement order passed against her below Exh. 01. Defendant submitted that the plaintiff has carried out an amendment on original plaint at very late stage. Further due to health issues the defendant could not meet her advocate. Thereafter she appeared on the fixed date in the court and filed an application for adjournment for appointing new advocate. Defendant has not made deliberate attempt in not filing additional written statement. Hence this application.

2. Application is opposed by the plaintiff by filing say on application itself. Plaintiff submitted that the reason mentioned in the application is not proper and legal and defendant has deliberately not filed additional written statement only in order to delay the matter. Hence plaintiff prayed for rejection of the application.

3. Heard learned advocate for both the parties.

4. Perused the record.

5. This is suit for mandatory and permanent injunction. Application is supported with verification statement of defendant. Reasons given in the application appear to be genuine and proper.

Considering the nature of the suit and rights of the parties involved therein, it is just to give an opportunity to the defendant to file say subject to appropriate cost. No prejudice would be caused to the plaintiff if application is allowed. It will help to decide the suit on merit. Considering the nature of the suit, reason mentioned in the application and the delay in filing the present application, it is appropriate to allow the application subject to cost of Rs.300/-(Rs. Three Hundred Only). Hence, the order.

ORDER

1. Application is allowed subject to cost of Rs.300/-(Rs. Three Hundred Only).
2. No Additional written statement order passed against the defendant is set aside subject to cost of Rs.300/-(Rs.Three Hundred Only).
3. Cost be paid to the plaintiff on or before next date.

Nandgaon.
Date:-23.01.2025

sd/-
(J.M.Agnihotri)
CJJD & JMFC, Nandgaon.