

**Order below Exh 25 in R.C.S. No. 61/2021**

The defendant no.2 his filed present application to set aside no w.s. order, passed against them dtd. 11/01/2022 on the ground that, due to his daughters marriage and Pandemic situation, he was unable to furnish information to his advocate. If they are unable to file their written-statement on record, it may affect the merit of the suit. Therefore, therefore he prayed for setting-a-side order dtd. 11/01/2022.

02] On the contrary, Ld.advocate for plaintiff filed his say below application and opposed application on the ground that the application is false and illegal. The contentions in the application are vague. Therefore, he prayed to reject the application.

03] Perused the record. Heard both the Ld.advocates. They have argued in the tune of say and application. The plaintiff has filed present suit for declaration and perpetual injunction. The plaintiff contended that, he is owner of the suit property. The plaintiff praying for possession of the suit property. The Pandemic situation and marriage of defendants daughter may prevent him from filing his written statement. The defendant has not accopanied his daughters marriage ceremoney card. But, he furnished affidavit along with application. Therefore, considering the nature of the suit, written-statement of defendant 2 is necessary to be taken on record. But, at the same time, costs must be imposed on defendant no.2, Hence, following order.

**Order**

No W.S. Order dtd. 11/01/2022, passed against defendent

no.2 is hereby set aside subject to costs of Rs. 250/- (Rs. Two Hundred Fifty) paid to the plaintiff.

Place : Kalwan.  
Date : 21/6/2022.

(D.M.Gitte)  
Civil Judge, Jr.Divn.,  
Kalwan.