

ORDER BELOW EXH.70.

1. The defendant no.2 has filed present application to set aside No Additional WS order passed against him on 18.06.2025. He submits that he did not get essential information and documents in regard to new amendment made in the plaint so that he could not file his additional written statement within reasonable time. He also submitted that he has not caused delay deliberately and if he is denied to file his additional written statement, he will have to face irreparable loss. Hence, he prayed to grant application.

2. The plaintiff opposed to present application by filing her say overleaf the application. She contended that the present application is not acceptable, hence, she prayed for rejecting the same.

3. Perused the record. Heard Ld. Advocates of respective parties. It is seen that the plaintiff has filed amended copy of the plaint on 22.08.2023 and defendants received copy on 01.11.2023. Since then despite sufficient time the defendant no.2 failed to file his additional written statement on record. Considering such period, reason provided by the defendant no.2 as to non availability of information and documents does not find sufficient. Still I am of view that the defendant no.2 should be allowed to file his additional written statement for proper adjudication of the case and also for avoiding multiplicity of proceeding, however at the same time his default cannot be overlooked. Hence following order is passed.

ORDER

1. Application is allowed subject to cost of Rs.1000/- to be paid to the plaintiff.
2. After payment of cost Additional Written statement of defendant no. 2 shall be taken on record.
3. The plaintiff shall take note of this order.

Date :- 19.11.2025.
Place :- Roha.

(S.V.Khaire)
Civil Judge, J.D. Roha.