

ORDER BELOW EXH.24.

The defendant No.3 i.e Deputy Engineer (Public Work Dept) has filed present application for setting aside 'No WS' order which is passed against him on 03.11.2025. He submitted that he could not file his written statement within time, he has not deliberately caused delay and if he is not allowed to file his written statement, injustice would cause him. Hence, the application.

2. The plaintiff opposed to present application by filing his say overleaf the application and prayed to reject the application.

3. Perused the record. Heard Ld. Advocates of respective parties. It is seen that defendant No.3 is served with summons on 16.09.2025 and appeared in present case on 26.09.2025, however, despite sufficient time he failed to file his written statement within span of 90 days. He has not provided any reason as to his default, however, still I am of view that he should be allowed to file his written statement for proper adjudication of the suit and for avoiding multiplicity of proceeding. Liberal view should be taken while deciding such applications, however it cannot be ignored that due to default on the part of defendant valuable time of the plaintiff & court is wasted. Hence following order is passed.

ORDER

1. Application is allowed subject to cost of Rs. 300/- to be paid to the plaintiff.
2. After payment of cost Written statement of defendant NO.3 shall be taken on record.

3. Plaintiff shall note of this order.

Date :- 10.03.2026.
Place :- Roha.

(S.V. Khaire)
Civil Judge, Junior Division Roha