

ORDER BELOW EXHIBIT NO.70

The present application is filed on behalf of the Defendant Nos. 4 and 5 for condonation of delay for filling of the written statement.

2. The learned advocate on behalf of the defendant Nos. 4 and 5 submitted that the summons was served on present Defendant on 24/06/2019. The delay caused for filing written statement is 22 days. The delay is caused because the parties were trying to get the documents related to the suit property. They further submitted that the delay caused is not deliberate and if the suit is decided without hearing the defendant nos.4 and 5, it will cause grave injustice to the defendant nos.4 and 5. Therefore, in consideration of the principles of natural justice, the defendant nos.4 and 5 be heard and the application be allowed and the delay to file the written statement be condoned.

3. The Plaintiff filed his say stating that the reasons for delay are not satisfactory. The delay caused is deliberate and so the application be rejected.

4. Considering the submissions, it seems that the reasons mentioned in the application are satisfactory and sufficient. The suit is for removal of encroachment, possession and perpetual injunction, in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the

application, in the interest of justice. Therefore, in the interest of justice the application is allowed. Hence, the following order:

ORDER

1	The application is allowed
2	The delay in filing written statement is condoned subject to cost of Rs. 200/- to be paid to the plaintiff.

Uran
Date: 09/12/2019

(Fiza F. Irani)
Civil Judge J. D., Uran.