

**ORDER BELOW EXH.33 IN
REGULAR CIVIL SUIT NO.286/2019.**

This application is filed by defendant No.1 and 5 to set aside order of hearing the suit without their written statement passed on 20.12.2019 and for permission to file their written statement. It is the contention of the said defendants that due to pandemic of corona virus they failed to collect necessary documents and hence they could not file their written statement within time. Hence, considering this reason and in the interest of justice to decide the matter on merit it is essential to hear both parties. With this the defendants prayed that, the order of hearing this case without their written statement be set aside and permission be granted to file their written statement.

2. The plaintiff filed his say on the back leaf of the the said application and strongly objected the application on the ground that reasons stated by these defendants for not filing written statement within prescribed time limit are false. Defendant No.1 and 5 got sufficient time to file their written statement but they intentionally not filed written statement within stipulated time with intent to prolong the matter. Hence plaintiff prayed for rejection of application filed by defendant Nos.1 and 5.

3. Read the application and say, heard learned

advocates for the plaintiff and defendant Nos. 1 and 5.

4. On perusal of the application, it reveals that, reasons stated in the application for not filing the written statement within time, appears to be proper and justifiable. Therefore, in the interest of justice & for deciding real dispute between the parties, order of hearing the suit without written statement of defendant Nos.1 and 5 deserves to be set aside and the defendant Nos.1 and 5 are required to be permitted to file their written statement. At the same time it should not be avoided that due to not filing of written statement by defendant Nos.1 and 5 within statutory period delay is caused. Such delay can be compensated by the payment of costs to the Plaintiff. Considering all these facts, I pass following order.

ORDER

1. Application is allowed.
2. Order passed below Exh.1 Dt.20.12.2019 of hearing the suit without the written statement of defendant Nos.1 and 5 is set aside subject to payment of costs of Rs.800/- (Rs. Eight hundred only) to plaintiff.

Place- Islampur
Date- 20.01.2023.

(D. J. Pandit)
8th Jt.Civil Judge, Jr.Dn., Islampur.

CERTIFICATE

I affirm that the contents of this Pdf file order are same word as per original order

Name of Jr. Clerk : Shri. P. M. Satpute

Court Name : D. J. Pandit
8th Jt. Civil Judge Jr.Dn. & J.M.F.C.
Islamapur.

Date of Decision : 20.01.2023

Order Signed by P.O. on : 20.01.2023

Order Uploaded On : 20.01.2023