

Order below Exh.130.
(Passed on 18.12.2021)

Defendant No.5 has filed present application for setting aside no written statement order passed below Exh.1 as on 23.01.2019. It is contention of defendant No.5 that, he could not collect the relevant documents within stipulated time and failed to file his written statement in the present suit. Delay caused is not intentional. The valuable rights of the defendant is involved in the present suit. Hence, he prayed to allow the application.

2. Plaintiffs by filing their say have strongly opposed the application and submitted that, reason stated in the application is not just and proper. Defendant No.5 has appeared in the present suit but, since 23.01.2019 he has failed to file his written statement as well as application for setting aside no written statement order. Hence, plaintiffs are prayed to reject the application with heavy costs.

3. Considering the rival contention of both the sides, so also, I have gone through the record of case in hand, from it appears that, the present suit is filed for partition and separate possession. The valuable rights of the defendant No.5 is involved in the present suit. But, the present application filed by the defendant No.5 after laps of more than one and half years. Reason stated in the application is also not just and proper. But, considering the nature of the suit, it would be just and proper to give opportunity to the