

ORDER BELOW EXH. NO.25.
(08.01.2026)

This is an application filed by the defendant No. 1 to 4, 6 & 8 for granting permission to them to file written statement in suit after setting aside no written statement order passed against.

2. Read application. The plaintiff did not file his say. Hence, no say order passed against him. Heard Ld. Advocate for the defendants. Perused the record.

3. It appears that the plaintiff has instituted suit for measurement and injunction. The defendants did not file their written statement on record within stipulated time. Resultantly no written statement order passed against them on 17.01.2023. This application has been filed on 25.09.2024. It is submitted that, they could not file their written statement on record within limitation. As such delay has been occurred for filing the same on record.

4. As a matter of record the defendants did not file their written statement within stipulated time. Therefore, on 17.01.2023 no written statement order has been passed against them. Now the defendants are already to contested suit by filing their written statement on record. To decide the suit on merit, it is necessary to we have an opportunity to both the parties to take part in the proceeding of the counter claim. In adversarial system every party shall get an opportunity of hearing. Procedure law should not be an obstruction in the justice dispensation system. So far as delay is concerned the same can be condoned by imposing costs upon the plaintiff. Considering the above facts and circumstances, I pass following order:

ORDER

1. The application is allowed.
2. No written statement order passed against the defendants on 17.01.2023 is set aside subject to costs of Rs.1000/-.
3. The defendants are permitted to file their statement on record after paying costs of Rs. 200/-.

Date :- 08.01.2026

(Aaditya A. Vyas)
2nd Jt. Civil Judge Junior Division,
Malshiras.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

- (a) Name of the Stenographer :- S. T. Korbu
- (b) Court :- 2nd Jt. Civil Judge Junior Division and
Judicial Magistrate First Class, Malshiras
- (c) Judgment/Order signed
by PO on :- 08/01/2026.
- (d) Judgment/Order uploaded
on :- 08/01/2026.