

ORDER BELOW EXH. NO.22

This is an application filed by the defendant No.6 for granting permission to him to file written statement on record after setting aside no written statement order passed against.

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

3. It appears that the plaintiff has instituted this suit for partition, possession and declaration. After service of summons the defendant appeared before court but did not file his written statement on record within stipulated time. Resultantly no written statement order passed against him on 06/01/2025. This application has been filed on 18/02/2025. It is submitted that, due to lack of necessary documents, he could not file his 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 defendant No. 6 did not file his written statement within stipulated time. Therefore, on 06/01/2025 no written statement order has been passed against him. Now the defendant is already to contested suit by filing his 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 suit. 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 defendant. Considering the above facts and circumstances, I pass following order:

ORDER

1. The application is allowed.
2. No written statement order passed against the defendant on 06/01/2025 is set aside subject to costs of Rs.200/-.
3. The defendant is permitted to file his statement on record after paying costs of Rs. 200/-.

Date :- 02.09.2025

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

CERTIFICATE

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

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|---------------------------------------|----|---|
| (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 | :- | 02/09/2025. |
| (d) Judgment/Order uploaded
on | :- | 02/09/2025. |