



ORDER BELOW EXH.17.

This is an application on behalf of defendant Nos. 1 to 4 for set aside no written statement order and grant of permission to submit written statement after the statutory period of 90 day's. It is submitted that due to unavailability of necessary documents they could not submit written statement within time. However, they are submitting the same along with the present application.

02] The plaintiff opposed the application on the ground that the defendants intentionally avoided to file written statement within time and prayed for rejection of the application. Alternatively, prayed for costs.

03] Record shows that the suit is for partition and possession. As such, right to immovable property is involved in the suit. Therefore, considering the nature of suit and controversy involved in it, presence of the defendant would enable the court to reach to the just decision of the case. Hence, an opportunity needs to be given to the defendant to participate in the suit. However, inconvenience caused to the other side needs to be compensated. Therefore, application is allowed subject to costs of Rs.300/- payable to the plaintiff.

Date : 30/01/2026.

(P.G.Lambe)
Jt. Civil Judge, Junior Division,
Madha.