



R.C.S.No. 908/2024
Mahesh Vs. Santosh etc.

CNRNOMHSO170030202024

ORDER BELOW EXH.21

This is an application on behalf of plaintiff for set aside no written statement order for counter-claim of defendant Nos. 1 to 3 and grant permission to submit written statement after the statutory period of 90 day's.

02] It is submitted that due to unavailability of necessary documents, he could not submit w.s. within time. However, he is submitting the same along with the present application.

03] Defendant Nos. 1 to 3 opposed the application on the ground that the application is false and fabricated. It is their further contention that reasons mentioned in the application for delay not appropriate and plaintiff did not file any document in support his claim and prayed for rejection of the application.

04] Record shows that the suit is for declaration and perpetual injunction. As such, right to immovable property is involved in the suit. Therefore, considering the nature of counter-claim and controversy involved in it, presence of the plaintiff in counter-claim of defendant Nos. 1 to 3 would enable the court to reach to the just decision of the case. Hence, an opportunity needs to be given to the plaintiff to participate in the counter-claim. However, inconvenience caused to the other side needs to be compensated. Therefore, application is allowed subject to costs of Rs.300/- payable to the plaintiffs in counter-claim.

Date : 10/12/2025

(P.G.Lambe)
Jt. Civil Judge, J.D., Madha.