

ORDER BELOW EXH. 30 in RCS No 61/2014

(Passed on 4th March, 2016)

1. This is application filed by the defendants no.7 & 8 for setting aside no W.S order passed against them below Exh.1 dt. 17/02/2015. According to defendant no 7 & 8, for want of important documents of previous suit they could not file W.S. on record within time. Hence, it is prayed to set aside the order.
2. The plaintiff filed his say on the overleaf of the application and submitted that, the application is not tenable. The defendants have not mentioned as to how many delay caused to filing W.S. on record. Hence, it is prayed to reject the application, if the application is allowed the cost of Rs.1000/- be awarded.
3. Heard learned counsels for both sides. Perused record and proceedings. It appears that on as defendants no. 7 & 8 failed to file W.S. on record as such no W.S. order came to be passed against them on 17.02.2015.
4. As per order VIII Rule 1 of the Code of Civil Procedure, the defendants ought to have file their written statement within 30 days from service of suit summons provided that where the defendants failed to file W.S. within 30 days, they shall be allowed to file the same on such other date, as may be specified by the court for the reasons to be recorded in writing, but which shall not be later than 90 days from the date of service of summons. The grounds for delay appears to be reasonable one.

5. The present suit is in respect of landed property. The valuable rights of the parties are involved in the subject matter of the suit. Taking into consideration the above facts and circumstances and in order to decide the real controversy between the parties finally and effectively on merits, I am of the view that it would be just and proper to give one fare chance to the defendants No.1 and 2 to contest this suit by filing W.S. on record. Hence , in the interest of justice, I proceed to pass following order.

ORDER

The application (**Ex.30**) is allowed on cost of Rs.350/- to meet ends of justice.

Place : Mohol.
Date : 04.03.2016.

(V.I. Bhandari)
Civil Judge Junior Division,
Mohol