

Order Below Exh.81

Defendant no.2 to 6 have moved the present application for setting aside 'no w.s.' order passed below counter-claim of the plaintiff and taking their written statement to the counter-claim on record, contending therein that, due to the personal reason and Covid-19 pandemic said parties are not able to approach their advocate and so, they failed to file their written statement to the counter claim on record. According to the present defendant, in order to decide the matter on merit it is necessary to give them opportunity to file their written statement.

Application is opposed on the ground that, false reason has been mentioned and defendant has knowledge of the suit and so, they requested for imposing the cost.

02. It is fact that, due to Covid-19 pandemic parties were not able to attend the Court and their appears to be long delay in filing written statement to the counter-claim. Considering the nature of the proceeding, an opportunity needs to be given to the present defendant to contest the suit on merit. As far as the grievance of the plaintiff is concerned it can be compensated in terms of costs.

Consequently, the following order.

O R D E R

- 1) Application is allowed subject to costs of Rs.500/- (Rupees Five Hundred Only).
- 2) Written statement filed by the present defendant be taken on record after payment of costs.

Karad.

Date :- 12/01/2022.

(Y.H.S. Deshmukh)
Jt. Civil Judge Senior Division,
Karad.