

ORDER BELOW EXH. 18 IN R.C.S. NO.3/2020

This is an application filed by advocate on behalf of the defendant for setting aside no written statement order passed against the defendant.

2. It is contention of the defendant that due to Corona Pandemic he could not get necessary documents for the purpose of filing written statement. So, the defendant could not file his written statement within stipulated time. Therefore, he prayed to allow the application. The learned advocate for the plaintiff filed his say on the overleaf of the application stating that the application may be allowed on heavy cost.

3. Heard both sides. Perused record and proceeding. On perusal of the same it appears that the defendant appeared in the suit on 10.01.2020. As per Order VIII, Rule 1 of the Code of Civil Procedure, a defendant shall file his written statement within 30 days from the date of service of summons on him.

4. The grounds mentioned in the application are genuine and reasonable. Because the entire world halted due to Corona Pandemic. Therefore, there is no reason to disbelieve the contention of the defendant. Moreover, no party shall be deprived of his legal right to put his case. Further in order to determine the suit conclusively it is necessary to allow the defendant to present

his written statement. Considering grounds mentioned in the application I am not inclined to impose cost on defendant.

5. Considering all above aspects, the application deserves to be allowed. Hence, I pass following order.

ORDER

- 1 The application is allowed.
2. No written statement order deemed to be passed against the defendant is hereby set-aside.

Patan
Dt. 26.08.2022

(P. D. Bhirde)
2nd Jt. Civil Judge, J.D.,Patan.