

ORDER BELOW EXH.20

Read an application and the reply filed by the plaintiff.
Perused the record.

2. On perusal of record it appears that, the plaintiff filed this suit against all defendants for granting perpetual injunction. The defendant no. 1 filed this instant application and submitted that, the defendant no. 1 appeared through his counsel but, he could not file the written statement within the period of limitation on the ground that, the required documents was not available in his hands. Now, defendant no. 1 want to file his written statement and therefore, he prayed to set aside no written statement order and to grant permission to file the written statement.

3. On perusal of record, it appears that, the defendant no. 1 appeared through his counsel on 06.05.2023. The suit summons served to defendant no. 1 on 04.05.2023. Defendant no.1 filed this instant application on 01.09.2023. The defendant no. 1 was required to file written statement within 30 days from the date of service of summons i.e. upto 04.06.2023. There is near about more than two months delay to file the written statement. The reason mentioned in the application is not justified. However, on the other hand, it is necessary to grant an opportunity to defendant no.1 to

file written statement and to contest this suit. Accordingly, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. No written statement order against defendant no. 1 has not been passed till today. Therefore, there is no such order.
3. The defendant no. 1 is permitted to file written statement till next date, otherwise this application shall automatically stands rejected.
4. Both the parties are directed to take note of it.

Vaduj
Date: 13.10.2023

(D.D. Fulzele)
Civil Judge Sr.Dn., Vaduj.