

R.C.S. No. 53/2016
Avatarsingh .. Vrs. .. Ravi

ORDER BELOW EXH. 15.

- 1- Read application and say.
- 2- Heard both sides at length.
- 3- In this suit for mandatory injunction, permanent injunction and damages defendant is seeking permission to file his written statement by setting aside no w.s. order. Defendant submitted that he could not file his written statement within limitation. It is necessary to file written statement for proper adjudication of suit on merits. It is further submitted that he will suffer irreparable loss if the application is not allowed. Hence, prayed to allow the application.
- 4- plaintiff strongly objected the application submitting that the defendant appeared on 07/04/2016, but did not file written statement till 17/07/2017 i.e. for more than one year. On 22/06/2017 plaintiff has filed his affidavit of evidence. The grounds mentioned by the defendant are not sufficient to allow the application.
- 5- In the context of rival contentions, the record reveals that defendant appeared on 23/03/2016 and this application is filed on 17/07/2017 i.e. after 01 year 03 months and 24 days after his appearance. It also reveals that plaintiff Avatarsing (PW-1) has filed his evidence affidavit vide exh. 14 on 22/06/2017. The adjudication of suit on merits requires contest and participation. This application is filed alongwith written statement. Considering all these aspects the written statement is required to be read and recorded. Accordingly, application is allowed subject to costs of Rs. 2000/-.

Sd./-

(Dr. Rachna R. Tehra)
Civil Judge (Sr.Dn.), Washim.

Date : 24/07/2018.

Certificate.

I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original order.

Name of the Stenographer : Devendra V. Daware (Clerk-Cum-Steno)

Court Name : Civil Judge (Sr.Dn.), Washim.

Date : 24.07.2018

Order signed by the Presiding
Officer on : 24.07.2018

Order uploaded on : 24.07.2018