

ORDER BELOW EXH.18

01. This is an application filed by the defendant No. 2 to set-aside no written statement order and accept her written statement.

02. The defendant No. 2 has contended that due to Covid-19 pandemic, she was at Pune therefore she was absent before the court. Therefore, she could not approach to her advocate and therefore written statement is not filed within the statutory period. Hence, she has prayed to allow the application. The learned advocate for plaintiff has filed say and opposed the application. He has submitted if the application allowed then heavy cost be imposed.

03. Perused the record. It appears from the record that the defendants have not filed their written statement within stipulated period therefore the suit is proceeded without written statement against defendants on 28.10.2021. The delay is caused on the part of defendant. However, the rights of defendant is involved in the subject matter of the suit. Therefore an opportunity is required to be granted to defendant to put up his case. But for causing the delay cost is required to be imposed on the defendant. Hence considering the reason in the application, the application deserves to be allowed. Hence I pass the following order.

ORDER

1. The application is allowed.
2. No written statement order dated 28.10.2021 is hereby set aside and written statement of defendant No.2 is accepted Subject cost of Rs.300/- payable to the plaintiff.

Date : 15.02.2022. (Gajanan B. Jankar)
Jt.Civil Judge, (Jr.Dn) Washim

Certificate

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

Court Name : Jt.C.J.J.D & J.M.F.C,Washim,
Dist.Washim.

Date : 15.02.2022.

Order signed by the presiding officer on : 15.02.2022.

Order uploaded on : 16.02.2022.

Order uploaded by : K. A. Paraswai
(Stenographer Grade-III.)