

ORDER BELOW EXHIBIT 15

(Passed on 21/06/2025)

The defendant has filed an application requesting the setting aside of the “No Written Statement (WS)” order and seeking permission to file their WS. The plaintiff has objected to this application.

2. The learned advocates representing both parties have been heard.
3. The advocate for the defendant submitted that due to the death of earlier Advocate of defendant the documents could not be received on time Therefore he was unable to file the WS within the prescribed time frame. It was argued that the delay was unintentional and that the defendant wished to contest the suit on its merits. Therefore, the advocate requested that the application be allowed.
4. As against this, the plaintiff’s advocate contended that the defendants, despite appearing through their advocate, failed to file the WS within the stipulated period, leading to the “No WS” order. The plaintiff argued that he has also filed affidavit of examination in chief. The reason mentioned is not legal hence urged the court to reject the application or, if allowed, the imposition of costs amounting to Rs. 5,000/-.
5. Perused the record. Considered their submissions. The defendant appeared before the court through their advocate on 26/02/2024, as reflected in Exhibit 9. However, they did not file their WS within the prescribed period, resulting in the “No WS” order being passed below Exhibit 1 on 11/12/2024. The plaintiff’s evidence is also on record.

6. The suit pertains Declaration, partition and separate possession. The defendant is a contesting party and has submitted a copy of their WS, reflecting their intent to defend the application. Allowing them to file their WS would facilitate a comprehensive adjudication, prevent multiple proceedings, and uphold the principles of natural justice without causing any undue disadvantage to the plaintiff.

7. The delay in filing the WS arose due to the death of Advocate of the defendant. However, the inconvenience caused to the plaintiff should be compensated. A cost of Rs. 500/- would suffice for this purpose. Considering these aspects, the court deems it appropriate and just to allow the application. Hence following order,

ORDER

1. The application, Exhibit 15, is hereby allowed, subject to cost of Rs. 500/- to be paid to the plaintiff.
2. The “No WS” order dated 11/12/2024 is set aside, and the Written Statement of the defendant is taken on record.
3. The WS of the defendant shall be assigned an exhibit number after compliance with the cost payment.

Sd/-

Date:- 21/06/2025

(Roshni Deepak Chaube)
Jt.Civil Judge Junior Division,
Arni