

**IN THE COURT OF THE ADDL.DISTRICT AND SESSIONS JUDGE
AIZAWL JUDICIAL DISTRICT : AIZAWL**

FAO No. 3/2016
A/o Money Suit No. 157/2013

BEFORE

Sh. Vanlalenmawia
Addl. District & Sessions Judge

James Malsawmtluanga
Proprietor of M/s Moto Care,
Hunthar Veng, Zarkawt Thlanmual Road,
Aizawl, Mizoram Appellant

Versus

1. Fb. Lalmuanpuui W/o Thanliana Hauhnar
Dawrpui Vengthar, Aizawl
2. David Lalthawmmawia S/o Hrangkunga
Chawlhmun, Aizawl Respondents

Date of hearing ... 29.07.2016
Date of order ... 01.08.2016

PRESENT

For the appellant	:	Shri S. Lalthanliana, Advocate
For the respondent No.1	:	Shri Lalbiaknunga Hnamte, Advocate
For the respondent No.2	:	Shri A.R. Malhotra, Advocate

ORDER

The application has been filed for setting aside the order dated 22.3.2016 passed by the learned Senior Civil Judge Court and to allow the appellant to file written statement before the said Court.

I heard the learned Counsel Shri S. Lalthanliana for the appellant as well as the learned Counsel Shri Lalbiaknunga Hnamte and the learned Counsel Shri A.R. Malhotra for the respondents No. 1 & 2.

The learned Counsel Shri S. Lalthanliana submitted that the learned Court below had directed the appellant to submit his written statement on 3.3.2016. However, the learned Counsel tried to submit his written statement. But, on 22.3.2016, the learned Court below closed the stage for submission of written statement. According to the learned Counsel, the written statement is already prepared and is ready to furnish the written statement to the learned Court below.

Hence, the learned Counsel for the appellant made a prayer to set aside the order dated 22.3.2016 and to allow him to submit written statement on the next Court date.

On the other hand, the learned Counsels for the respondents objected the prayer of the learned Counsel appearing for the appellant.

I have perused the records of the learned Lower Court.

The present case was registered as Money Suit No. 157 of 2013 on 1.11.2013. The appellant as defendant No.2 was given several times to submit written statement. On 22.3.2016, the appellant was absent. On that day, the learned Court below closed the stage for submission of written statement fixing 19.4.2016 for framing of issues.

In view of the circumstances, the appeal is allowed on the condition that the appellant shall pay a fine of Rs. 3,000/- and this fine shall be paid to the Mizoram Bar Association, Aizawl. The learned Court below shall accept the written statement of the appellant as defendant No.2 after receiving the fine acknowledged by the President/Secretary/Treasurer/Finance Secretary of the Mizoram Bar Association, Aizawl.

The appeal is disposed off with the order indicated above.

Sd/- VANLALENMAWIA
Addl. District & Sessions Judge
Aizawl Judicial District : Aizawl

Memo No. _____/ADJ(A)/2016 : Dated Aizawl, the 1st August, 2016

Copy to :

1. James Malsawmtluanga through Counsel Sh. S. Lalthanliana, Advocate.
2. Fb. Lalmuanpuii through Counsel Sh. Lalbiaknunga Hnamte, Advocate.
3. David Lalthawmmawia through Counsel Sh. A.R. Malhotra, Advocate.
4. The District Judge, Aizawl Judicial District, Aizawl.
5. Smt. R. Lalduhawmi, Sr. Civil Judge, Aizawl.
6. President, Mizoram Bar Association, Aizawl.
7. Registration Section.
8. Guard File.
9. Case Record.
10. Calendar Judgment.

P E S H K A R