**WRITTEN STATEMENT IN AN INJUNCTION MATTER RELATING TO INFRINGEMENT OF EASEMENT RIGHTS**

IN THE COURT OF THE..............

Written Statement

In

Suit No...................... of 19..............

.................. (parentage and address)............. Plaintiff.

*versus*

.................. (parentage and address)......... Defendant.

Written statement of Defendant No. 1:

Sir,

The Defendant No. 1 abovenamed most respectfully submits as follows: Parawise reply to the plaint—

1. Para 1 of the plaint, as stated, is not admitted. The plaintiff is put to strict proof of the facts alleged by him in this para.

2. Para No. 2 of the plaint is not admitted.

3. Para No. 3 of the plaint, as stated, is not admitted. It is however, not denied that the defendant has got new *baithak* construction in place of the old *baithak,* but the remaining portion of his house is old and continued to be so till now. All allegations to the contrary are wrong and denied.

4. Para No. 4 of the plaint is absolutely wrong and the facts alleged therein are also incorrect and denied. So far as the *jangala,* door and *roshandans* are concerned the plaintiff got the same affixed and constructed within about l-½ months. The defendant requested the plaintiff not to do so but he did not pay any heed to the request of the defendant and got the said things affixed forcibly. The defendant is a person of modest means and also he is peace loving and he never wanted to take law in his own hands, hence he could not check the plaintiff at the time. However, the defendant closed the same, except *one jangala* from before the institution of the suit. The plaintiff has no right to construct the said *jangalas* etc., towards the side of the defendant, and the same were absolutely illegal and unauthorised and as such the defendant closed the same. However, one *new jangala* still continues due to which the right of privacy of the defendant is infringed and continues to be infringed. The defendant requested the plaintiff to close the same but he does not pay any heed to the request of the defendant. The ladies and inmates of the defendant’s house are unable to sit on the roof towards which the *said jangala* opens and in this manner the defendant is unable to use his property in the manner and for the purposes he is entitled to use. All allegations to the contrary are wrong and denied.

5. Para No. 5 of the plaint is wrong and the facts stated therein are incorrect and are denied. The plaintiff had any other house nor did ever pass from over the roof of the defendant either for going in the latrine or for any other purposes. As regards light and air, the plaintiff has been receiving the same through other doors and openings etc. in the roof in question. It is absolutely wrong to allege that the plaintiff had been using the alleged *jangalas* and gate for light and air since the time of his ancestors. It is also wrong to allege that he has acquired any right of easement, of light and air through the said door *and jangalas.* As submitted above the said door *and jangalas* were got constructed by the plaintiff about 1-1/2 months ago including the *roshandans* in question, hence the question of using the same for last over 20 years could not and does not arise at all.

6. Para No. 6 of the plaint is wrong and denied. So far the construction of the room in question is concerned, the same is absolutely legal and valid and it stood constructed from before the institution of the suit. The defendant has every right to close the remaining *jangalas.* So far as the other doors, *jangalas* and *roshandanas* are concerned, they were already closed by the defendant from before the institution of the suit and from before the service of injunction order upon him.

7. Para No. 7 of the plant as stated is not admitted. The defendant is not raising any constructions. However, so far as the remaining *jangala* is concerned, the defendant has every rights to close the same.

8. Para No. 8 of the plaint is also not admitted. Allegations made in this para are wrong and denied.

9. Para No. 9 of the plaint is not admitted.

10. Para No. 10 of the plaint is also not admitted. The plaintiff is put to strict proof of the facts alleged by him in this para.

11. Para No. 11 of the plaint is not admitted. The plaintiff is not entitled to get any of the reliefs claimed in this para.

12. Paras No. 12 of the plaint is not admitted. Facts alleged in this para are not admitted.

13. Para Nos. 13 and 14 of the plaint are legal and not admitted. ADDITIONAL PLEAS

14. That the plaintiff has neither any cause of action nor he is entitled to get any relief against this defendant.

15. That the plaintiff has filed this suit with absolutely wrong allegations and by concealment of true and correct facts which are as under.

16. That it is wrong to allege that the plaintiff has been using the *jangalas* etc., in suit for the last over 50 years or that he has acquired any right of easement with respect to the same.

17. That *the jangalas,* doors, and *roshandans* etc., have been constructed recently by the plaintiff within about six weeks of filing the suit and all allegations to the contrary are wrong and denied.

18. That the suit as framed is not legally maintainable.

19. That so far as the doors, *jangalas* and *roshandans* (except *oncjangala)* were already closed by the defendant even before the institution of this suit and hence from the point of view also the suit is not maintainable.

20. The suit is false and frivolous and is liable to be dismissed with special costs.

It is accordingly prayed.

**VERIFICATION**

Verified that the contents of paras 1 to 12, 15, 16, 17 are true to my personal knowledge and paras 13, 14, 18, 19, 20 are based on legal advice which I believe to be true. Verified at.................... on....................

Defendant No. 1

Through Counsel