

IN THE COURT OF Civil Judge (Sr. Div.), PIRO, BHOJPUR

Title Suit No.35 of 2019

Gita Devi and others**Plaintiffs**
Versus
Bal Bhagwan Pandey @ Balak Bhagwan Pandey and others
.....**Defendants**

Sl. no.	Date of order of proceeding	Order with signature of the Court
1	2	3
04-04-2025	The Petition dated 10-01-2025 was pressed by learned counsel on behalf of defendant no 1 & 2 praying that order dated 20-05-2022 be recalled on the ground that the defendant could not receive due notice and came to know about the suit from villagers on the basis of rumour and they will face irreparable loss if the <i>ex-parte</i> order is not recalled. On the other hand the learned counsel for the plaintiff vehemently opposed the same vide his rejoinder dated 31-01-2025 praying to reject the petition with heavy cost on the ground that every process was exhausted for the apperance of defendants but they deliberately chooses not to appear and appeared at the stage of argument. Heard the Id. Counsel for the parties at length and perused the case record. It appears that the service against defendant where confirm based on the gazette publication and <i>ex-parte</i> hearing was ordered vide order dated 20-05-2022. The plaintiff has adduced five oral evidence and documentary evidence as well. The law requires that the substantive justice should not be ignored in the name procedural technicalities. The procedure are there to help in fair trial and the principle of natural justice ensures hearing the other side. Thus the interest of the justice and looking into the principles of fair trial, the order dated 20-05-2022 is hereby recalled against defendant no. 1 & 2 at the cost of rupees 2500 to be paid to the plaintiff. Thus the petition dated 10-01-2025 and rejoinder dated 31-01-2025 disposed off. Civil Judge (Sr. Div.) Piro.	

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