

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

Title Suit No. 107 of 2023

Janki DeviPlaintiffs

Versus

Ram Nath Sharma and othersDefendants

Sl. no.	Date of order of proceeding	Order with signature of the Court
1	2	3
17-04-2025	The Petition dated 17-08-2024 was pressed by learned counsel on behalf of defendant no 1 to 3 praying that order dated 04-10-2023 be recalled on the ground that the defendant use to reside far away from his village and could not appear due to lack of knowledge. On the other hand the learned counsel for the plaintiff vehemently opposed the same vide his rejoinder dated 25-11-2024 praying to reject the petition with heavy cost on the ground that that defendant no. 1 to 3 have deliberately delayed in filing the written statement. Heard the ld. Counsel for the parties at length and perused the case record. It appears that the defendant no. 1 to 3 have appeared on 17.08.2024. The ex-parte hearing was ordered on 04.10.2023 against all the three defendants and the plaintiff has produced four oral evidence in the case. 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. It has been observed by Hon'ble Court that the provision U/O-VIII, rule-I is directory and not mandatory. Thus the interest of the justice and looking into the principles of fair trial, the order dated 04-10-2023 is hereby recalled against defendant no. 1 to 3 at the cost of rupees 2000/- to be paid to the plaintiff. Thus the petition dated 17-08-2024 and rejoinder dated 25-11-2024 are disposed off in term of above order. Civil Judge (Sr. Div.) Piro.	