

Order below Ex. 1 in Summary Suit No.735/2014

Coram: Yogeshchandra B. Bhatt, Chief Judge.

Heard the learned advocates for both the parties. Read the application. Perused the record and proceedings. The learned advocate Mr. D.G. Soni argued out as per the contents made in the application. The learned advocate for the plaintiff argued that the defendant is a company and it cannot be presumed that they are not aware about the provision of law. There is no reason made out from the application for filing the appearance in delay. Therefore, the application should be dismissed. Looking to the circumstances of the case, it is seen that the next date of hearing is mentioned as 17.10.2014 on the summons Ex. 9. Therefore, the company may mis-guide. It is also to be considered that the defendants are not residing within the local jurisdiction of this court. Therefore, I am of the opinion that the matter should be disposed off on merits rather than on mere technicalities. Hence, the application is required to be allowed. Hence, the following final order is passed:

ORDER

The application is allowed.

The delay in filing the appearance by defendant no. 1 is hereby condoned.

It is ordered to record his appearance.

No order as to costs.

Date: 20.3.2015
Ahmedabad.

(Yogeshchandra Bachubhai Bhatt)
Chief Judge.
Code No. GJ00296.