

ORDER ON IA No. 9

IA no. 9 is filed by the counsel for the respondent no. 24 and 25 to permit him to file objections to the main petition by assigning the reasons in the memo of fact that as per the instructions furnished by the respondent no. 24 and 25 , he has prepared objections and it was kept ready on 02-01-2017 to file the same in the court. But, until the respondent no. 24 and 25 received the notice from ADLR , Bailhongal they were under the bona-fide impression that they have already filed the objections in the court on 02-01-2017 , as the copy of it find place in the office file. After searching he found the original objections mixed with other files in his office . So, there was no deliberate delay in submitting the objections to the main petition and prays to condone the delay to receive the objections.

The said application is resisted by the counsel for the petitioner by filing objections

contending that application is not tenable in the eyes of law, contents of the affidavit are false, with mala-fide intention, respondent no. 24 and 25 filed this application to drag the matter. Because since three years they have kept mum or not taken any steps. Now, suddenly they come up with false application. Further it is contended that petitioner were no way concerned to the loan availed by the respondent no. 4 and 5 , if application is rejected no loss or hardship would cause to the respondent no. 24 and 25 and prays to dismiss the application .

Heard the arguments of counsel for the respondent no. 24 and 25. Where as the counsel for the petitioner filed the written arguments.

Perused the material before the court.

When the case is posted for objections to Commissioner report , this application has been filed by the counsel for respondent no. 24 and 25 permitting to file their objections to the main petition. In the memo of fact he has assigned the reasons, why he has not filed the objections to the main petition well in time.

The counsel for the petitioner controverted the said facts by filing objections. Though , the objections contended by the counsel for the petitioner appears true, but on that ground if application is rejected definitely

respondent no. 24 and 25 will be put to injustice. Because of the fault of counsel respondent no. 24 and 25 not filed the objections well in time. In the memo of fact the counsel for the respondent no. 24 and 25 assigned the reasons stating that as per the instruction given by the respondent no. 24 and 25 , he has prepared the objections to file the same in the court on 02-01-2017 and he is under the impression that he has already filed it in the court. But, later he came to know that he has not filed the objections of respondent no. 24 and 25 to the main petition. The grounds urged in the memo of facts appears to be genuine. Considering the said facts if applications is allowed no prejudice would be cause to the petitioner. On the other hand if application is rejected , due to fault of the counsel respondent no. 24 and 25 will be put to injustice.

For the aforesaid reasons I am of the opinion that it is a fit case to allow IA No. 9 as prayed. Accordingly, IA no. 9 is hereby allowed in the ends of justice and received the objections of respondent no. 24 and 25 .

Posted for objections to Commissioner report by 25-11-2019.

Sr. C. J. Bailhongal.