

**IN THE COURT OF THE I ADDITIONAL SENIOR
CIVIL JUDGE, GOKAK**

**Present: Sri. Mahadev Kanatti, B.Com. LL.B.
I Addl. Senior Civil Judge, Gokak**

Dated, this the 04th day of July, 2026

Misc.No.11/2025

Petitioners : **Smt. Laxmavva D/o Doddappa Antargatti
and others.**

Vs

Respondents: **Smt. Basavva W/o Maruti Koli and another.**

I.A. No.III

Applicant No.1: Shri. Mahaning S/o Shivaputra Gotur,
Power of Attorney Holder,
Age: 32 years, Occ:Agriculture,
R/o: Sanganakeri, Tal: Gokak, Dist: Belagavi.

(By Sri. S.G.B.P., and Sri. G.N.N., Advocates)

V/s

Opponents : Smt. Laxmavva D/o Doddappa Antaragatti,
Age: 62 years, Occ: Agriculture and Household,
R/o: Muritoa-Duradundi, Tal: Gokak,
Dist: Belagavi and others.

(By Sri.M.R.B., Advocate)

ORDER ON IA NO.III

i.	Provision under which the application is filed	U/O IX Rule 7 R/W Section 151 of CPC
ii.	Relief sought for	To set aside the exparte order
iii.	The date on which the application is filed	20.06.2026
iv.	Number of the application	I.A.No.III
v.	The date on which the objections are filed by different opponents	Opponents filed objection on 24.06.2026
vi	The date on which the orders were passed on the said application	04.07.2026

The instant application is filed by the respondent No.1 to set aside order placing the respondent No.1 exparte and permit him to contest the petition through his P.A.Holder contending that, the respondent No.1 is suffering from ill health and he has executed the GPA in O.S.No.501/2023. Hence, he is appearing through GPA Holder. It is further stated that, he is not traced out the relevant documents to file his objections and permitted to file his objections by setting aside the exparte order passed against him. On these grounds prays to allow the application.

2. On the other hand, the application is opposed by the learned counsel for the petitioners contending that, despite due service of notice the respondents did not appear and placed exparte. After

recording of petitioner evidence the matter was posted for order. Now the respondent No.1 come up with the present application. It is further stated that, the alleged GPA Holder of the respondent No.1 is not party to the present petition hence non appearance before the Court is not relevant. It is further contended that, already matter is heard and posted for orders. Under such circumstances no kind of interlocutory applications at the instance of any parties to the petition cannot be entertained. On these ground prays to reject application with cost.

3. I have heard the arguments of the learned counsel appearing for the parties and perused the material on record.

4. Points that arise for consideration of this court are;

1. Whether the respondent has made out grounds to allow the instant application?

2. What Order?

5. Findings of the court on the above points are as under:

Point No.1: In the Affirmative and

Point No.2: As per final order for the following:

REASONS

6. Point No.1: The present petition is filed by the petitioner seeking setting aside exparte decree passed in O.S.No.501/2023 dated:

17.07.2025 and permit the petitioners to participated in the suit by restoring the same for its original stage. Upon perusal of the materials on record despite due service of notice, the respondents have not appeared. Under such circumstances, the respondents have been placed exparte. Thereafter, the petitioner lead evidence and after hearing the matter was posted for orders. Meantime, the respondent No.1 has come up with the present application through his GPA for setting aside the order placing exparte and permit him to conduct the case through his S.P.A.Holder and also produced the photostat copy of the GPA executed by the respondent No.1 infavour of him from its GPA Holder. In the original suit also the respondent No.1 has conducted the case through GPA Holder and now the GPA Holder continuing the proceedings on behalf of the respondent No.1. The respondent No.1 has been placed exparte on 10.02.2016. Further, there is no much delay in appearing in the present case. Hence, opportunity has to be given to the respondent No.1 to contest the petition. No doubt the matter has been already posted for orders. However, the matter has been heard in the absence of the respondent No.1. Hence, the application deserves to be allowed. In the circumstances, the point No.1 is answered in affirmative.

7. Point No.2: In view of the findings arrived on the point No.1, this Court proceed to pass the following:

ORDER

The I.A.No.3 filed by the GPA Holder of the respondent No.1 U/O IX Rule 7 R/w Sec. 151 of CPC., is allowed on cost of Rs.200/-.

The order placing the respondent No.1 dated: 10.02.2016 is hereby set aside.

The respondent No.1 is permitted to participate in the proceedings through his GPA Holder.

The objections to main petition filed along with the application is taken on record.

(Dictated to the stenographer, typed by her, revised, corrected and then pronounced by me in the open Court on this the 04th day of July, 2026)

Sd/-
(Mahadev Kanatti)
I Addl. Senior Civil Judge,
Gokak