

Date : 30-3-16 OS 72/2015

Sri. K.B.K adv. files power and I.A. No. 3 U/o 9 Rule 7 of C.P.C. and prays to set aside ex-parte order passed against defendant No.11 , 19, 20.

Adv. for plaintiff has submitted that IA may be allowed.

Heard.

Perused records.

Notices to defendant No.11,19,20 were reported as served. They were absent. Hence, They were placed ex-parte.

These defendants have contended that on the day fix for their appearance they had not instructed counsel. Hence they could not appeared. They pray to set aside ex parte orders passed against them to context the matter. The adv. for plaintiff did not file objection.

The suit is being relief of partition and separate possession and these defendants are alleged said to have co owners of suit properties if they are allowed to context the matter it would help the court to determine the case on merits at once. The delay may compensate in terms of money.

Hence for the reasons stated in the accompanying affidavits and in the interest of justice I proceed to pass following:

ORDER

I.As No. 3 U/O 9 Rule 7 CPC is allowed on cost of Rs. 450/- . Ex-parte order passed against defendant No.11,19,20 is set aside.

For obj. to IA I and II and WS.

Call on :18-4-2016.

Senior Civil Judge, Hukkeri.