

O.S. No. 129 / 2017

Counsel Sri. G.C., filed Vakalath on behalf of defendant No.6 and filed application U/O 9 Rule 7 of CPC with prayer that, the ex-parte order passed against him be set-aside and he be permitted to contest the case.

Counsel for plaintiff submits that, it may be allowed on heavy cost.

Perused the case file plaintiff filed this suit for the relief, restraining the defendants from alienating the “B” schedule item No.1 and 3 to any other person and not to disturb the plaintiffs from enjoyment of pathway situated in the suit schedule property.

This defendant in his affidavit contended that, on last hearing date he is not feeling well. Therefore, he is unable to appear before this Court. Looking to the reasons given in affidavit, opportunity has to be given to the defendant to contest the case and put-forth his defence. If the application is not allowed, in justice will cause to the defendant. Therefore, this Court proceed to pass the following:

ORDER

The application filed by the defendant No.6 U/O 9 Rule 7 of CPC is hereby allowed on cost of Rs.100/-.

The Vakalath of counsel Sri. G.C., taken on record. For W.S. of defendant No.6. Call on 28.01.2019.

[Smt. N.B. Shaikh]
Prl. Civil Judge and JMFC., Hiriyyur.