

I.A.No.1 filed by defendant No.2 U/O. 9 Rule 7 R/W Sec. 151 of CPC requesting the Court to set aside exparte order dated:24/05/2022, wherein defendant No.2 was placed as exparte, permit the defendant No.2 to contest the case, in the interest of justice.

The counsel for defendants has filed objections and contended that, there is no reasonable grounds made out in the application. Hence requested to dismiss the application.

Heard on both side.

Perused the records placed before the Court.

It is stated in an affidavit filed in support of application that, due to inconvenience and defendant No.2 could not appear before the Court when matter is posted for appearance of defendants. Non appearance of defendant No.2 before the Court on relevant date was not intentional one,

same is due to above mentioned bonafide reasons.

Taking in to consideration of bonafide reasons as mentioned in an affidavit, if same is allowed no hardship would be caused to plaintiff. On the other case in case application is not allowed, the defendant would be put to hardship and injury.

Hence, I proceed to pass the following:

ORDER

I.A.No.1 filed by the defendants U/O.9 Rule 7 of CPC is hereby allowed with cost of Rs.500/-.

Exparte order dated : 24/05/2022, which passed against defendant is hereby set-aside, the defendant No.2 is permitted to contest the case.

Sri.M.C.M.T. Advocate filed vakalath on behalf of defendant No.2.

Sd/-
Senior Civil Judge and J.M.F.C.,
Harihara.