

10.08.2021

ORDER ON IA No.4

The counsel for the defendant No.14 and 15 has filed this I.A No.4 U/order 9 rule-7 R/W Section 151 of CPC praying to set aside the ex-parte order and permit them to contest this case by submitting that because of some health problem they could not appear before this court on the day fixed for their appearance. The counsel for the plaintiff submitted that IA may be allowed on heavy cost.

2. Heard. Perused, this court by its order dated 11.12.2020 has permitted the plaintiff to take substitute service of summons against the defendant No.14 and 15 and 08.01.2021 was fixed for appearance for the defendant No.14 and 15. On that day, these defendants remained absent therefore, there are placed ex-parte. Subsequently, this IA came to be filed. In the absence of any objections to the IA and to decide the matter in controversy finally conclusively it is appropriate to permit the defendant No.14 and 15 to contest the case. Therefore, I proceed to pass the following:

ORDER

IA. No. 4 is hereby allowed on cost of Rs.400/- and the order placing defendant No.14 and 15 ex-parte is hereby set aside and they are permitted to contest the case. For written statement by: 23.08.2021.

Civil Judge and JMFC, Kundgol.