

IN THE COURT OF CIVIL JUDGE AND JMFC AT
HOLENARASIPURA

Present:- Sri. Chandrashekhara.P.Diddi, B.A., LL.B,
Civil Judge and J.M.F.C,
Holenarasipura.

Dated this the 3rd day of June, 2016

O.S.No.17/2016

Between

Krishnegowda : Plaintiff

(By Sri.S.B.S.,Adv.,)

V/s

Eregowda and another : Defendants

(By Sri.J.N.,)

ORDERS ON IA-III

Eregowda : Applicant/Defendant no.1

V/s

Krishnegowda : Plaintiff

ORDERS ON IA-III

The defendant no.1 filed IA.No.III under order 9 rule 7 of
C.P.C prays for set aside the ex-parte order.

2. In the accompanying affidavit of IA the defendant no.1
submitted that due to some inconvenience the defendants have not
appeared before the court in the earlier date. Thereafter the defendants

placed as ex-parte. If the application is allowed no harm or loss will be caused to the plaintiff. On the other hand if the application is dismissed the defendants will be put to untold hardship. Hence prays for allowing the application.

3. The plaintiff counsel present and submitted that the application may be allowed.

4. Heard the argument of both the counsels.

5. The point that arises for my consideration is as follows.

1. Whether the application filed by the defendant no.1 is deserves to be allowed and what order?

6. I answer the above point is as follows.

Point No.1:- In the Affirmative and

as per the final orders for the following reasons.

REASONS

7. **Point No.1:-** On perusal of the order sheet, the defendants placed ex-parte on 15/02/2016. Further I have gone through the application averments. In the application the defendant no.1 submitted that due to some inconvenience they have not appeared before the court. Now they have intended to proceed with the case. Hence in the interest of justice and disposal of case on merits the application filed by the defendant no.1 is deserves to be allowed. Accordingly I answer

the above point in the affirmative. For the above stated reasons I proceed to pass the following order.

::O R D E R::

IA. No. III filed by the defendant no.7 under order 9 rule 7 of C.P.C is hereby allowed.

The ex-parte order dated 15/02/2016 is hereby set aside.

The written statement of the defendant taken on record.

No order as to cost.

(Dictated to stenographer and transcribed by her revised and corrected by me then pronounced in the open court dated this 3rd day of June, 2016)

**(Chandrashekhara.P.Diddi)
Civil Judge and J.M.F.C,
Holenarasipura.**