

IA is filed to set aside the order placing the Defendants 1 to 5 ex parte and it is contended for bona fide reasons they were unable to attend the Court. Though it is not made clear as to what the bona fide reasons are, fact is this is a suit for partition and it is the case of the Plaintiff everybody in the family needs to be allotted an equal share. Therefore, though not for the reasons assigned by the Defendants 1 to 5, the order dated 24.5.2022 placing the Defendants 1 to 5 ex parte is set aside and they are permitted to come on record and prosecute their defence. Further the application filed by the Defendants 1 to 5 seeking leave to file Written statement is also allowed in the light of the dictum of the Hon'ble Apex Court in Kailash vs Nankhu reported in (2005) 4 SCC 480 and their written statement is taken on record. Call on 27.10.2022 for examination of parties under Order X CPC.

CIVIL JUDGE HOLENARSIPURA