

Mis 5/16 The respondent No. 13 to 15 have filed IA No. 8 under Order 9 rule 7 of CPC, when the case is posted for further evidence of petitioner side and prayed to set-aside the order placing them exparte and permit them to enter appearance through their counsel and file their objections.

In the affidavit annexed to the application stating that Respondent No.13 to 15 handed over the vakalath to their counsel. But it was misplaced in office and could not be filed in within time. In the meantime they were placed exparte. On these grounds they pray to allow the application.

On the other hand counsel for petitioner submits no objection and counsel for other respondents orally objected.

I have heard both sides and perused the materials on the record.

This application is filed by the respondent No. 13 to 15 for set-aside the exparte order passed against them and permit them to file their objections. They have made out sufficient reasons to allow the

application. Hence I proceed to pass the following:-

ORDER

The application filed U/O 9 Rule 7 of CPC is allowed. The exparte order passed against Respondent No.13 to 15 is hereby set-aside.

For further evidence of petitioner side.

Call on 13.02.2023

II Addl. Civil Judge & JMFC.,
Karkala