

Order Below Exh.21 in R.C.S. No.78/2020

The defendant No.1, 4, 5 and 9 have filed his application and sought the relief of setting aside ex-parte order passed against him on 03.10.2022.

2) Defendants have submitted that, Defendant No.1 is an old aged person and he is suffering from illness. Therefore, defendants were not able to appear in the proceeding. They have further submitted that, delay is not intentional. They have prayed to allow this application. Learned advocate for the plaintiff has filed say below this application and objected to this application.

3) Heard Ld. Advocates for defendants and plaintiff.

4) Ongoing through the application and say. It seems that the defendants sought to set aside an Ex-parte order against them. It is well settled law that every matter should be adjudicated on merits. For proper adjudication of matter opportunity needs to be given to defendants to contest present suit. The cost of Rs.300/- can be imposed against thew defendants to compensate delay caused. Therefore, the present application needs to be allowed. In the result, I proceed to pass the following order.

Order

- 1) Application (Exh.21) is allowed subject to cost of Rs.300/-
- 2) Ex-parte order passed against defendant no.1, 4, 5 and 9 on 03.10.2022 is hereby set aside.
- 3) I proceed to pass order below Exh.1

Place : Shevgoan
Date : 21.08.2023.

(Monali A. Bendre)
2nd Jt.Civil Judge Junior Division,
Shevgoan