

**Order below Exh.19**

Passed on 02/08/2023

- 1) This is an application filed by defendant claiming set aside the ex.parte order dated 08.12.2021 and no cross order dated 24.03.2022 by allowing him to deposit the cost amount of Rs. 1000/- as ordered on 11.07.2022.
- 2) It is contended in the application that the Court pleased to pass Ex-parte order on 08.12.2021 and no-cross order on 24.03.2022 against him. Thereafter, he filed application for setting aside said orders on 26.04.2022 and which was allowed by the Court on 11.07.2022 by imposing cost of Rs. 1000/-. But, due to old age, consistent illness and residing out station, he could not deposit the cost amount. Hence, in view of principal of natural justice, he be allowed to file written statement by depositing the cost amount of Rs. 1000/-.
- 3) The plaintiff has filed his written say contesting that defendant has been given several chances. But in vain. The application does not reveal any reasons. Hence, it be rejected with heavy cost.
- 4) It appears from the affidavit of the applicant/defendant that he is 64 years old age. The copy of plaint shows that the defendant is resident of Renapur, Tq. Renapur, Dist. Latur which is situated outside the jurisdiction of this Court. Though, the applicant/defendant has not placed any medical

certificate in respect of illness, but above two reasons are appearing sufficient reasons for his failure to deposit the cost amount and file written statement. However, it is principal of natural justice that no person shall be left unheard. Otherwise, there may be chance of failure of justice. No doubt, the plaintiff has suffered by delay of the proceeding. But, I am of opinion that he may be compensated by awarding additional cost and which will also be helpful for decision of the case on merit. Hence, I proceed to pass below order;

**ORDER**

- 1) The application is allowed subject to additional cost of Rs. 2000/-.
- 2) Ex.parte and no cross order dated 08.12.2021 and 24.03.2022 are hereby set aside.

Date: 02/08/2023.  
Parli Vaijnath.

Sd/-  
**(S.B. Ganpa)**  
Civil Judge Jr. Dn.  
Parli Vaijnath

**CERTIFICATE**

I affirm that the contents of this PDF file are word to word as per original Judgment/Order.

Sd/-  
Akash B. Kabne  
Stenographer Gr-III

**Dictated on** : 02.08.2023  
**Transcribed on** : 02.08.2023  
**Checked & Signed on** : 02.08.2023