

MHBI160002132021



Civil M.A.No.52/2021

Ramdas Vs. Navnath

ORDER BELOW EXH. NO.12

Perused application and say. Heard both the sides. Non-applicant prayed for setting aside the no say order passed against him. The learned advocate for the applicants has given their say behind the back of the application of the non-applicant and objected to allow the application.

2. Non-applicant contended that, the applicant has filed the present application for setting aside the exparte decree passed, non-applicant is the illiterate person and he has not knowledge of the adequate law, as well as the relating documents to the present application are not available to him. Hence, he was not able to file say within time. The delay caused on the part of non-applicant is not intentional. Hence, prayed for allowing the application by setting aside the no say order passed.

3. Per contra, the learned advocate for the applicants submitted that the non-applicant is trying to prolong the matter, hence, prayed for rejection of application.

4. Applicants has filed the present application for setting aside the exparte decree under Order 9 Rule 13 of C.P.C. On perusal of the application, it seems that important civil rights of the non-applicant is involved. It is necessary to decide every application on merit rather than the technicalities. Non-applicant prayed for to set aside the no say order passed. Hence, considering the reasons

stated in the application it needs to be allowed. Hence, I pass the following order:

ORDER

1. Application is allowed.
2. Parties to take note accordingly.

Date : 03/12/2022

(A.T.Mangire)
Civil Judge Jr. Division,
Shirur kasar.

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

Sd/-
[P.B. Kusumkar]
Stenographer Grade-3

Dictated on : 03/12/2022
Transcribed on : 03/12/2022
Checked & signed on : 03/12/2022