

MHBI160009852023



R.C.S.No.580/2023

Sahebrao Vs. Ranjit

ORDER BELOW EXH. NO.12

Perused application and say. Heard both the sides. Defendants prayed for setting aside the exparte order passed against them on 10.07.2023. Plaintiff has given their say behind the back of the application of the defendants and prayed for rejection of application.

2. Defendants submitted that, on 07.07.2023 the defendant no.1 was admitted in Nobel hospital Dombiwali for angioplasty hence, defendant no.1 to 3 were not able to remain present before the Court. Hence, the exparte order against the defendants was passed on 10.07.2023. The suit property is concerned with the defendants hence, it is necessary to give them a chance to contest the suit. Hence, prayed for allowing the application by setting aside the exparte order passed against them.

3. Per contra, the learned advocate for the plaintiff submitted that the present application is not tenable. Hence, plaintiff prayed for rejection of application.

4. Plaintiff has filed the present suit for declaration and injunction in respect of the suit property. On perusal of the suit and application it seems that important civil rights of the defendants are involved. It is necessary to decide every suit on merit rather than the technicalities. Hence, a chance needs to be

given to the defendants to appear and contest the suit. As there is no cogent evidence in regard to the contents of the application hence, delay needs to be compensated. Hence, I pass following order.

ORDER

1. Application is allowed subject to depositing the cost of Rs.150/-.
2. Cost be given to the plaintiff on or before next date.
3. Parties to take note accordingly.

Date : 14/08/2023

(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 : 14/08/2023
Transcribed on : 14/08/2023
Checked & signed on : 14/08/2023