


MHJN060004382023 	<u>Reg. Civil Suit No.62/2023</u> <u>Hajarabee -V/s- Rahimunisa & Ors.</u>
---	---

ORDER BELOW EXH.20.

1. This application is filed by Defendant No.02 for setting aside “Ex-parte” order passed against him.
2. Perused application, say of Plaintiff and record. It is contended by the Defendant No.02 that, due to illness, he has failed to appeared in court on date fixed for his appearance. He further submitted that, this is not done by him intentionally. He further submitted that, if the order of Ex-pare is set aside, then, no loss cause to Plaintiffs, but if the application is rejected then, the Defendant will suffer heavy loss. Hence, he prayed that in the interest of justice, Ex-parte order passed against him be kindly set aside.
3. Per contra, Plaintiff has filed her say below this application and strongly resisted the application and submitted that, written statement shall not be allowed to be filed after commencement of trial.
4. Perused application, say and record. Heard Ld. Advocate for Defendant and Plaintiff for sufficient time. Admittedly Defendant have not present on date fixed for his appearance. Hence, Ex-parte order against him on 25.09.2023. It is settled principal of law that rules and procedure have handmade to the administration of justice. If opportunity to put forth defense is not afforded to the Defendant, then

grate prejudice would cause to the Defendant. Per contra, there is no any prejudice or harm cause to the Plaintiff.

5. So, in my view in the interest of justice and for the importance of final decision of this matter on merit said application is deserves to be allowed. But for unnecessary delay and inconvenience to opposite side must be compensated with cost. Hence, in the interest of justice, it will be appropriate to impose certain cause on Defendant, while allowing the said application. Resultantly, I proceed to pass following order-

ORDER

a.	Application is allowed.
b.	Ex-parte order passed against Defendant No.02 is set aside subject to cost of ₹200/- (Rs. Two Hundred Only).
c.	Cost of ₹200/- (Rs. Two Hundred Only) shall be paid to the Plaintiff on or before next date.

Date : 07/03/2025.
Place : Bhokardan.

(C.S. Deshpande)
Jt. Civil Judge Jr.Dn.,
Bhokardan.