

MHJN060009942024



COMMON ORDER BELOW EX.18

(Passed on 08.10.2025)

1. Vide present application defendant no. 1, 2, 4 and 5 prayed to set aside the ex-parte order passed against them and accept their pleadings.
2. It is mentioned in the application that, the defendants could not remain present to answer the claim of plaintiffs because the required documents were not available.
3. Plaintiffs opposed the application by filing their say on back leaf and contended that, the delay is intentional and no plausible reason for the absence is assigned. Hence, the application be rejected.
4. I have heard learned Advocates for both sides.
5. Perusal of record shows that summons were duly served on defendant no.2, 4 and 5 vide Exh.09 and 15 and to defendant no. 1 vide registered post acknowledgment filed along with Exh. 12. The ex-parte order was passed on 04.03.2025 and 03.09.2025.
6. As per the provision of Order IX Rule 7 of C.P.C. an exparte order can be set aside if the defendant on appearance assigns good cause for previous non appearance. The reason of non availability of required documents is considerable one. However, as a matter of record delay has been caused in this matter. The suit summons were served on defendant no. 2 and 5 on 18.07.2024 to defendant no. 1 on 27.04.2024 and to defendant no. 4 on 30.06.2025. As such the delay cannot be neglected in casual manner.

With this application the defendants have annexed the written statement which they wish to file on record. It shows their bonafide to contest the matter on merit and hence, I hold that the ex-parte order is required to be set aside and permission to submit pleadings required to be granted. Needless to mention, for the delay caused, reasonable cost is also required to be imposed. In the result, I pass upcoming order.

ORDER

1. Application at Exh. 18 is hereby allowed.
2. Ex-parte order passed against defendant no. 1,2,4 and 5 is hereby set aside.
3. As a cost of this application, the defendant no. 1,2,4 and 5 shall pay cost of Rs.200/- each to the plaintiffs on or before next date.
4. After payment of the cost as aforesaid, the written statement/say so filed on the record of this suit shall be read and recorded.

Date : 08.10.2025.

[Megha D. Dajjuka]
Joint Civil Judge Junior Division,
Bhokardan

CERTIFICATE

I affirm that the contents in the P.D.F. file are word to word as per original judgment/ order.

Name of Clerk : G.M.Padol
Name of Court : Jt. CJJD & JMFC, Bhokardan.
Date : 08.10.2025

Sd/-

Jr. Clerk