



ORDER PASSED BELOW EXH.34
IN REGULAR CIVIL SUIT NO.129/2023

[CNR No.MHKO090002302023]

The present application is filed under Order IX Rule 7 of Civil Procedure Code for setting-aside ex-parte order passed against defendants nos.1 to 4.

2. It is contention of the defendants that they are old-aged persons and residing at the distant place. Therefore they could not appeared in the suit within time. There is no deliberate negligence on the part of defendants. Therefore they be permitted to contest the suit.

3. The present application is strongly opposed by the plaintiff on the ground that the reason mentioned in the application is false and frivolous. Therefore, the application needs to be rejected with heavy cost of Rs.5000/-.

4. Heard both the sides. Perused the record. It appears that defendants are old-aged persons and suffering from diseases. Now, they want to appear in the suit. Therefore ex-parte order passed against them be set-aside and one fair opportunity needs to be granted. So far as delay is concerned, if appropriate cost is imposed, then it will not suffer to both the parties. Thus, I pass the

:: 2 ::

R.C.S.No.129/2023.(OBE 34)

following order :-

ORDER

- 1] The application is allowed subject to the cost of Rs.500/- (In Words Rupees Five Hundred Only).
The cost shall be paid to the plaintiff.

- 2] The ex-parte order passed against defendant nos.1 to 4 is set-aside, after payment of cost.

Place : Gadhinglaj.
Date : 09.09.2024.

(N. S. Puri)
Civil Judge Senior Division,
Gadhinglaj