

COMMON ORDER BELOW EXH.55 & 57 IN RCS NO.324/2013

1. Read the application. No say filed by defendants. Perused the records of the case. Heard Ld. Advocate for plaintiff.
2. These applications filed by plaintiff for restoration of suit against defendant No.4 and 5 and for condoning the delay in filing the restoration application. On perusal of records of the case it is seen that, this suit is filed for recovery of possession and perpetual injunction. The measurement map is placed on record and it is alleged by plaintiff that, the encroachment is by the defendant No.4 and 5. However, as plaintiff failed to take steps against defendant No.4 and 5, the Court has dismissed the suit against them. The applications are supported with affidavits and the valuable rights of plaintiffs are involved in the suit property. Therefore, it will be just and proper to set aside dismissal order against defendant No.4 and 5 and to restore the suit by condoning the delay in filing the application. Hence, the order.

ORDER

1. The application Exhs.55 and 57 are hereby allowed on costs of Rs.1,000/- (Rupees One Thousand only).
2. Order dated 30/04/2023 passed below Exh.1 is set aside and suit is restored against defendant No.4 and 5.
3. Plaintiffs are directed to expedite the matter.

Dt.:- 08/11/2024

(Smt. V. D. Bhosale)
Jt. Civil Judge Sr. Dn., Nilanga.