

MHLA110009902018



ORDER BELOW EXHIBIT NO.219 IN
REG. CIVIL SUIT NO.48/2017
BHARATBAI VS. NAMDEO & ORS.

1. This is an application for setting aside 'ex-parte order' passed against defendant No.13.
2. Read the application and say filed thereon. Heard the Ld. Counsel for both sides.
3. Plaintiff has filed this suit for partition and separate possession. The suit proceeded exparte against defendant No.13 on 04/04/2022. This application is filed by defendant no.13 when the matter is pending for final argument. There is much delay in filing this application. However, as defendant No.13 is alleged purchaser of part of the suit property and his valuable rights are involved in it. Moreover, *Audi Alteram partem* i.e. no one should be condemn unheard is basic principle of the natural justice. Further, the reasons mentioned in the application is supported by the affidavit of defendant. Hence, considering the reasons mentioned in the application and to decide the case on merits, application deserves to be allowed. However, as the application is belatedly filed, it needs to be allowed on costs. Thus, I pass the following order:

ORDER

Application at Exhibit No.219 is hereby allowed subject to cost of Rs.1,000/- (Rs. One Thousand only) payable to plaintiff till next date, without any fail.

Nilanga
Dt.:- 05/02/2025

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