

MHLA110004782022



Order below Exh.41 in Spl.CS No.49/2022

By this application defendant Nos.9 and 10 have requested to set aside the ex-parte order passed against them and to accept their WS, on the grounds mentioned in the application. Plaintiffs have filed their say and raised strong objections. Perused application and say. Heard both the sides. Record shows that plaintiffs have filed this suit for partition, cancellation of instruments and perpetual injunction. The suit summons came to be served upon defendant Nos.9 and 10 and as they failed to appear, ex-parte order came to be passed against them on 24/08/2022. It seems that defendant Nos.9 and 10 are purchasers of some of the portion of the suit land. It is necessary to permit them to contest the suit. However, there is a delay of approximately more than two years in moving this application. This delay can be condoned by imposing cost of Rs.2,000/- each upon defendant Nos.9 and 10. Taking into consideration the nature of suit, reliefs claimed and to grant an opportunity of fair trial, I pass following order:-

ORDER

1. Ex-parte order dated 24/08/2022 passed against defendant Nos.9 and 10 is set aside subject to cost of Rs.2,000/- each to be payable by them to plaintiffs collectively.
2. After payment of cost amount and its acknowledgment by plaintiffs, the WS filed by defendant Nos.9 and 10 be taken on record.

Date :27/11/2024

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.