

Order below Exh.47 in Spl.CS No.49/2022

By this application plaintiffs have requested to set aside the order dated 02/07/2024 by which the suit came to be dismissed against defendant Nos.2 and 4, on the grounds stated in the application. Defendant Nos.1, 3, 5 to 7 failed to file their say. Perused application. Heard learned advocate Shri.T.R.Sonawane for plaintiffs. Learned advocate for plaintiffs relied upon the judgment of Hon'ble Kerala High Court delivered in the case of **Sudha Chandrashekhara K. Vs. Sasikala Sahadevan & Ors.** Record shows that the suit came to be dismissed against defendant Nos.2 and 4 on 02/07/2024 under Order IX Rule 5 CPC for the reason that plaintiffs failed to necessary steps. Considering the nature of suit, grounds stated in the application and the willingness of plaintiffs in securing the presence of defendant Nos.2 and 4, in my opinion, it is necessary to exercise inherent powers under Section 151 CPC. Hence, I pass following order:-

ORDER

1. The order dated 02/07/2024 by which the suit came to be dismissed against defendant Nos.2 and 4 under Order IX Rule 5 CPC is set aside and the suit is hereby restored, subject to condition that plaintiffs shall take appropriate steps immediately for securing presence of defendant Nos.2 and 4.
2. No order as to costs.
3. Necessary order is passed below Exh.1.

Date : 02/05/2025

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