

ORDER PASSED BELOW EXH.NO.33
(CNR NO.MHLA110005192022)

1) Perused the application submitted by the defendants no.6,7,11 and 12 for grant of permission to file written statement by setting aside ex-parte order.

2) Perused the record. Record shows that defendants were duly served with notices on 23/07/2022, but they failed to appear and file their written statement within prescribed time limit. Thereafter, the suit proceeded ex-parte against them.

3) Perused the application of defendants. It is submitted that the subject matter of the suit is valuable landed property. In such circumstances ex-parte order may kindly be set aside and written statement of the defendants may be accepted for fair trial.

4) It is well settled that the provisions of O-VIII R-1 of Code Of Civil Procedure are directory and not mandatory and it can be stretched in rare and exceptional cases. Defendants have filed this application along with their written statement on 03/10/2022. The present suit is for perpetual injunction. The civil rights of the defendants are involved in the present suit. If the opportunity is not granted to the defendants to protest the suit claim, irreparable loss will be caused to them. It is necessary to condone the delay in the interest of justice for the proper adjudication of the suit. Hence, following order is passed to meet the ends of justice.

ORDER

Application for setting aside ex-parte order is granted
subject to costs of Rs.1,00/- (Rupees One hundred Only).

Place: Latur.
Date :03/10/2022.

(Anand S. Munde)
Jt.Civil Judge,S.D., Nilanga