

MHLA110010362018



**ORDER BELOW EXHIBIT NO.61 IN
REGULAR CIVIL SUIT NO.144/2017
LUBJABAI VS. KONDIBA & ORS.**

1. This is an application for setting aside no written statement order passed against counter-defendant Nos.1/2, 2, 3 and 6.
2. Read application and say filed thereon. Heard Learned Counsel for both sides.
3. The application for setting aside no written statement order is supported by the affidavit of counter-defendant. *Audi Alteram partem* i.e. no one should be condemn unheard is basic principle of the natural justice. No serious prejudice will be caused to plaintiff, if no written statement order passed against counter-defendant Nos.1/2, 2, 3 and 6 is set-aside. Hence, considering the reasons mentioned in the application and to decide the case on merits, application deserves to be allowed on costs. Thus, I pass the following order:

ORDER

Application at Exhibit No.61 is hereby allowed subject to cost of Rs.300/- (Rs. Three Hundred only) payable to counter-plaintiffs till next date, without any fail.

Dt.:- 13/02/2025

Jt. Civil Judge Sr. Dn., Nilanga.