



R.C.S. No.742/2021
Ajijoddin Vs. Hasinabegam &
Ors.
CNR-MHLA120027822021

ORDER BELOW EXH.25

1. Defendant No.1 to 9 & 11 have filed the present application praying that exparte order passed on 23/08/2022 against them be set aside and thereby they may be permitted to file their written statement.

2. It is contended in the application that, due to out of station they could not appear in the matter, therefore, exparte order came to be passed against them. Now, they wants to appear in the matter and file W.S. Therefore, they prayed for allowing the application.

3. Plaintiff filed say and strongly objected and prayed that application be rejected on heavy costs.

4. I have heard the Ld. Advocate for the defendant No.1 to 9 & 11. Perused the record, it appears that suit is filed for declaration of ownership and perpetual injunction partition and separate. Defendant No.1 to 9 & 11 served with suit summons, but they failed to appear, therefore ex-parte order came to be passed against them on 23/08/2022. If the application is rejected then defendant No.1 to 9 & 11 definitely will suffer irreparable loss as they will be deprived from putting their say. However, if application is allowed, the plaintiff will not suffer any loss except delay. Therefore, considering the reason mentioned in the application, it will be proper to allow the application with cost of Rs.500/-. Hence, I pass the following order-

ORDER

1. Application is allowed subject to costs of Rs.500/-.
2. Exparte order passed against defendant No.1 to 9 & 11 is hereby set aside.
3. After payment of costs, W.S. of defendant No.1 to 9 & 11 will be read and recorded.

Date : 26/06/2023

(**N.A.L. Shaikh**)
2nd Jt. Civil Judge J.D. Nilanga.