

Regular Civil Suit No. 437/2017
Apparao Vs. Madhavrao

ORDER BELOW EXH. 01 AND 39

The record has been carefully and thoroughly perused. It is shown from the face of record that original suit was proceeded *Ex-parte* against the defendant nos. 3 to 6. Defendant no. 1 Madhav Patil has filed counter-claim against original plaintiff Apparao Sabane and co-defendant no. 3 and 5, and also against Rukmin Balaji Korale below Exh.39 on 27.01.2020. Thereafter, said counter claim below Exh. 39 was kept for say of defendant no. 1 to 4 (defendants of counter-claim). The original plaintiff Apparao Sabane failed to file reply to the counter-claim below Exh. 39. Hence, the counter claim below Exh. 39 was proceeded without say of original plaintiff Apparao by an order dated 14.07.2022.

2. Further, it appears that notice/suit summons of counter-claim was not issued against defendant no. 2 to 4 (defendants of counter-claim). As per the procedure established by law every party shall get an opportunity of hearing and no one shall go unheard. And after filing counter-claim it is expected and mandatory to issue the notice/summons to the defendants. Therefore, it is necessary to issue the summons/notice to the defendant no. 2 to 4 (defendants of counter-claim). Hence, Considering the fact and circumstances of the case and for just decision of the matter, I pass the following order.

ORDER

1. Issue suit summons/notice to the defendant no. 2 to 4 (defendants of counter-claim)
2. Accordingly, parties and learned advocate to take note.

Ausa.

Date : 27/07/2023.

(Nitesh B. Rathod)
3rd Jt.Civil Judge Junior Division,
Ausa