

Order below Exh. 42 in R.C.S.No.721/2013

(Gyanu vs. Venkat)

This is an application filed by the defendants for setting aside no say order passed against them on 07/06/2016 vide Exh.36. The defendants urged that, he was out of station, hence could not file his say. The material rights in respect of immovable property are involved in the matter. However, they prayed to set aside the no say order.

2. The plaintiff objected strongly by filing his say. As per plaintiff, the defendants intentionally avoided to file say on Exh.36. The reason assigned in the application is not proper one. The application is moved without justifiable reason. Hence, application is liable to rejected.

3. Heard the respective learned advocates. To decide the matter on merit, and to avoid the multiplicity of litigation, it is necessary to set aside no say order below Exh.36. If the opportunity denied, it may cause prejudice to the defendants. Even more, the material right of the defendants are involved in the matter. The grievance of the plaintiff may be compensated by saddling cost. Hence, following order.

ORDER

1. Application is hereby allowed.

2. No say order below Exh.36 dated 07/06/2016 against defendants is hereby set aside subject to cost of Rs.300/- (Rs.Three hundred only).

3. The cost shall be paid on or before next date.

Date : 09/06/2016
Place : Ausa.

(J. P. Sarpate)
2nd Jt. Civil Judge, J.D. Ausa.