

MHND060000642024



Spl.C.S No.3/2024  
Dr. Abdul Jabbar Vs. Shaikh Abdul  
salim & orths.

**ORDER BELOW EXH-58**

( Date 04.12.2024 )

The defendant Nos. 1 to 8 and 10 filed this application for setting-aside the exparte order passed against defendant Nos. 1, 2, 5 and 6 . It is submitted that plaintiff has requested to withdraw the suit unconditionally. Due to these, the said defendants were precluded to appear before the Court and so 'exparte order' is passed against them. Therefore, it is prayed to set-aside the same.

02. The plaintiff has strongly objected the present application contenting that the contains of application is false and just to prolong the matter and hence, liable to be reject with heavy costs.

03. Heard learned Advocates for both the sides.

04. Perused the application, the say filed and the record of the suit.

05. The perusal of the application goes to show that the defendants have failed to appear as plaintiff shown desire to withdraw the suit unconditionally. Though the reasons prescribe does not seem to be much satisfactory, however, considering the rules of natural justice i.e. principle of audi alteram partem, no party shall be condemned unheard. In result, by following the said principle of natural justice, the application deserves to be allowed. Hence, the order :

**ORDER**

The 'Exparte order' passed against the defendant Nos. 1, 2, 5 and 6 stands set-aside

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subject to costs of Rs.300/- each be paid to the plaintiff.

Date : 04.12.2024.

( **A.A.K. Shaikh** )  
Civil Judge Sr. Division,  
Biloli.