

Order below Exh. 18 in R.C.S. No.1271/2023

1. The present application is filed by defendant no.2 for setting-aside **Ex-parte order** passed against him. He submitted that, he is illiterate person therefore he did not know dates of court, resultantly he failed to appear before the Court. Hence, this application.
2. The plaintiff filed their say overleaf and submitted that, defendant no.2 is intentionally prolonging the matter and he knew the dates of Court. Hence, he prayed to reject the application.
3. Perused the application and say. Heard both sides. The suit is filed for partition and separate possession in respective of the immovable property specifically described in the claim clause of the plaint. The present application is filed on 08.05.2024 where as **Ex-parte order** was passed against defendant no.2 on 26.03.2024. Defendant no.2 caused delay of almost 02 months to file this application. However, considering the nature of the suit, interest of the parties involved and to decide the suit on merits an opportunity may be give to defendant no.2 to be heard in the interest of justice. The delay caused by defendant no.2 may be compensated in terms of money. Hence, in the interest of justice application Exh.18 is allowed subject to costs of **Rs.500/-** to be paid to plaintiff.

Date : 25/11/2024

(Raghavendra N. Dev)
Civil Judge Junior Div.,
Degloor, Dist. Nanded

R.C.S. No.1271/2023
CNR: MHND14-002872-2023
Sudam Vs. Balaji

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. A.K. Mohammad
Name of Court	Shri. Raghavendra N.Dev, C.J.J.D. and J.M.F.C., Degloor
Date of Dictation	25/11/2024
Judgment signed by the P.O. on	25/11/2024
Judgment/Order uploaded on	26/11/2024