

COMMON ORDER BELOW EXH. 36 & 41
(Passed on this 27th August, 2019)

Read both the applications. Application below Exh. 36 is filed by J.D. No. 1/a, 1/c, 1/d and 1/e. By this application these J.Ds. are praying to set aside Ex-parte order passed against them below Exh. 1 on dated 10.01.2018. This application is filed on the same day of the order.

2. On the other hand, application below Exh. 41 is filed by J.D. No. 1/g. He also prayed to set aside order passed below Exh. 1 dated 14.08.2018. He contended that, he could not file his say due to busy schedule of service. Say of D.H. was called on both the applications. He prayed to reject both the applications.

3. Gone through record. It depicts that, application below Exh. 36 was filed on the same day of the order. Reasons mentioned in the application below Exh. 36 are acceptable. On the other hand J.D. No. 1/g through his application below Exh. 41 prayed for setting aside the order passed below Exh. 1 on dated 14.08.2018. In that respect I gone through record. It is necessary to mention her that, on 14.08.2018 my Ld. Predecessor Ex-parte order against J.D. No. 1/b and not against J.D. No. 1/g. Record shows that, on 06.07.2018 Ex-parte order was passed against J.D. No. 1/g.

4. These Judgment Debtors are added as legal heirs of deceased Daulatrao Pundlik Nitnaware i.e., original Judgment Debtor. Therefore, they could not filed their reply. I am of the view that, proposed opportunity of the J.Ds. would be helpful to decide the controversy in full extent and also to avoid further litigation. At the

same time, fact cannot be denied the valuable time of the Decree Holder is passed due to lacuna of the Judgment Debtors. Therefore, costs shall be awarded to Decree Holder. Considering this I pass following order.

:: ORDER ::

1. Ex-Parte orders passed below Exh. 1 on dated 10.01.2018 and dated 06.07.2018 against J.D. No. 1/a, 1/c, 1/d, 1/e and 1/g are hereby set aside.
2. Above mentioned Judgment Debtors shall jointly pay costs of Rs. 1,000/- (Rs. One thousand Only) to the Decree Holder.
3. Above mentioned Judgment Debtors are directed to file their reply on or before next date without fail.
4. Parties to take note of the order.

Kalmeshwar.
Date:27.08.2019.

(H.N. Pole)
Jt. Civil Judge Junior Division,
Kalmeshwar, Dist. Nagpur.

ENDORSEMENT

Applications Argued on	:	27.08.2019
Order dictated on	:	27.08.2019
Transcription Ready on	:	27.08.2019
Order checked and signed off	:	27.08.2019

CERTIFICATE

I affirm that the contents of the this PDF file order are same word to word,
as per the original Order.

Name of the Stenographer :- S.D. Bhimte (Lr. Gd)

DISTRICT COURT
NAGPUR