

Order below Exh.- 19 in Mesne Profit No.- 1/2015

1] The opponent nos. 1,2 and 4 have filed this application for set aside the ex-parte order and acceptance of written statement as it is not filed within stipulated period of 30 days as contemplated by Order 8 Rule 1 of the Code of Civil Procedure. In support of the application the opponents submitted that they have collect the documents of suit no. - 124/1992 and was not having knowledge of law and gave the details about the case to their advocate, therefore he could not present their written statement within stipulated time, therefore, they may be permitted to file their written statement and set aside the ex-parte order in the interest of justice.

2] The applicants have not filed their say till today.

3] For the acceptance of written statement after the stipulated period the party must show the reasonable justification which prevented him from filing it. Here in this case considering the contents of the application it appears that there is justifiable explanation offered by the opponents. Moreover, the opportunity is required to be given to opponent no. 3 to defend this application on merit. Needless to say that the harassment caused to the applicant due to delay for filing written statement and ex-parte order can be compensated by way of awarding reasonable costs. Therefore, I am of the opinion that the application deserves to be allowed in the interest to the justice subject to heavy costs. Hence, I proceed to pass following order -

ORDER

- 1) Application Exh.- 19 is allowed.
- 2) The W.S. of opponent nos. 1,2 and 4 are accepted subject to cost of Rs. 200/- and ex-parte order is hereby set-aside.
- 3) Costs to be paid on or before next date without fail.

Chandwad
Date : 11/12/2017

(K.G. Chaudhari)
Civil Judge, J.D., Chandwad, Dist- Nashik.