

ORDER BELOW EXH. 18

Perused the application filed by defendant no. 1 and 2 for setting aside ex-parte order against them and permitting them to file their written statement order on record. This application is supported by the affidavit of defendant no.2.

2] In short contents in the application is that, due to inevitable circumstances defendants are failed to appear and file their written statement within time. Now defendant no. 1 and 2 want to contest the suit hence it is necessary to set aside ex-parte order against them and permit to file written statement on record.

3] Plaintiff strongly opposed the application and submitted that summons to defendant no. 1 and 2 duly served but they failed to appear and file reply. They intentionally wants to prolong the matter and hence application is strongly opposed and pray to reject with costs.

4] Heard both the parties.

5] Perused record it shows that, inspite of opportunity to the defendant no. 1 and 2 they failed to appear and file their written statement within a time. Thus, matter proceed ex-parte against them. Record shows that at the time of placing this application alongwith defendant no. 1 and 2 has filed written statement. In such situation in order to enable the court to effectively and completely adjudicate upon and settle all the

questions involved in the matter, it is necessary to allow this application and permit defendant no. 1 and 2 to file written statement. Due to the act of defendant no. 1 and 2 inconvenience cause to plaintiff and huge delay in the proceeding but that can be compensated in terms of money. It is therefore necessary and in the interest of justice to consider the application subject to the costs with following conditions:-

ORDER

- 1] Application is allowed.
- 2] Ex-parte order dated 14.11.2018 is hereby set aside subject to costs of Rs. 1000/- paid to plaintiff.
- 3] The written statement of defendant no. 1 and 2 is placed on record be consider after paying costs of Rs. 1000/- to plaintiff.

Dated : 31-03-2023

(Smt. S.H.Rathi)
Jt Civil Judge J.D., Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of Stenographer	---	D. B. Nikam
Court	---	Jt. C.J.J.D. & J.M.F.C., Omerga
Date	---	31-03-2023
Order signed by the Presiding Officer on	---	31-03-2023
Order uploaded on	---	31-03-2023