

R.C.S.No.705/2015
CNR MHOS 15001549-2015
Hanifabi/Asib

ORDER BELOW EXH.49

- 1) Perused the application filed by defendant no. 3 for setting aside exparte order passed against him. It is contended that defendant no.3 was out of station and not known the provisions of law therefore he could not make contact with advocate within time. Hence, prayed for setting aside the ex-parte order and taking the W.S. on record.
- 2) The learned advocate on behalf of plaintiff objected the application.
- 3) Perused the record. Summons served to defendant no.3 vide Exh. 29, but he failed to appear in the suit. Ex-parte order is passed on 07/01/2017. The present application is moved on 15/01/2020. The reason mentioned in the application appears to be convincing. Considering the nature of dispute, if the present application is allowed, it would help in proceeding with the suit on merits. Furthermore, no harm would be caused to the plaintiff if the present application is allowed. The plaintiff can be compensated by way of costs for the delay caused. Hence, the order:-

ORDER

The application is allowed subject to cost of Rs. 300/- to be paid to the plaintiff on or before next date.

Date:- 16/03/2020

(S.P.Rachkar)
2nd Jt.Civil Judge J.D.,Paranda

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 / Clerk	Shri. A.A Joshi
Name of Court	Shri. S.P.Rachkar, 2 nd Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	16/03/2020
Judgment/ Order signed by the P.O. on	16/03/2020
Judgment/Order uploaded on	17/03/2020