

ORDER BELOW EXH. 27 IN
CIVIL MIS. APPLICATION NO. 219 of 2017
(CNR No. MHRG14001952016)

1. This application is filed by applicant for setting aside order of hearing without evidence of applicant dated 05.08.2023. It is contention of applicant that on last date applicant was out of station and remained absent in Court. This court has passed evidence close order of applicant on 12.06.2023. If order of hearing without evidence of applicant is not set aside he will suffer irreparable loss. Therefore, applicant prayed to set aside order of hearing application without evidence of applicant dated 12.06.2023.

2. Opponents have filed their say & objected the application on ground that contents of application are false and frivolous. Applicant is absent deliberately in this application. Applicant is prolonging the case unnecessarily. To harass opponents he is taking dates. Therefore, opponents prayed for rejection of the application.

3. Perused the application, say and record of the case. Heard learned advocate for the applicant and opponents.

4. It reveals from record this application is for Heirship Certificate. On perusal of the application, it reveals that, this court has passed order of hearing without evidence of applicant dated

12.06.2023. Now, applicant prayed to set aside order on ground of absence of opponents. Reason seems to be satisfactory. Hence, considering these reasons and in the interest of justice to hear both parties on merits, it is necessary that order of hearing without evidence of applicant dated 12.06.2023 be set aside subject to cost. In the result, I pass following order.

ORDER

1. Application is allowed.
2. Order dated 12.06.2023 of hearing without evidence of applicant is set aside subject to payment of cost of Rs.500/- (Rs. Five hundred only) to be paid to opponents as condition precedent.
3. Payment of cost Rs. 500/- to be paid to opponents till next date is condition precedent, otherwise application will be decided without evidence of the applicant.

Place- Uran
Date- 11.09.2023.

(N.M.Wali)
Jt. Civil Judge, Jr.Dn., Uran.