

Order Below Exh. 10 in R.C.S. no. 26/2020

(CNR No. MHRT080001962020)

By present application, the defendant has prayed for setting aside order dated 11/02/2022 passed below Exh. 01 whereby it was directed that, the matter shall proceed ex-parte against him. It is contended that, the defendant was suffering due to fever on that day, hence he could not attend the Court. If, said order is not set aside and he is not allowed to contest the suit, he may suffer a lot.

2. Plaintiff bank has opposed the application by filing reply below Exh. 14. It is contended that, the reason assigned for not attending the Court on given date is false. Any document is not produced to support said contention. Further, the defendant has not filed on record his written statement, alongwith present application. As such, in any view of the matter, application is liable to be rejected.

3. Perused the record. Heard both sides.

4. Learned advocate for the plaintiff bank has submitted that, the defendant has not filed on record his written statement along with present application to show his bona-fides. Any medical document is not filed on record, to support contentions of the application. Hence, application is liable to be rejected, he submitted.

5. Pertinently, after passing aforesaid order on 11/02/2022, matter was adjourned to 08/04/2022. On that day, present application is made. Further, another application is made by the defendant at Exh. 12 to stay the proceeding of the suit. It seems that, as application at Exh. 12 is made, written statement is not filed.

6. With a view to afford reasonable opportunity to the defendant, to participate and contest the present proceeding, application can be allowed. Hence, following order-

ORDER

Application is allowed.

Date : 29.07.2022

(B. D. Tare)
Civil Judge (J.D.), Deorukh

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh.10 in R.C.S No.26/2020)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer :- S. S. Thaware (Jr. Clerk)

Court Name :- The Court of Civil Judge (J.D.) &
Judicial Magistrate F.C., Deorukh

Date of decision :- 29/07/2022

Order signed by PO. on :- 29/07/2022

Order uploaded on :- 30/07/2022