ORDER BELOW EXH.01 IN REG. CIVIL SUIT NO.71/2010
CNR No.MHSI06-000535-2010

1. Perused the record. On perusal it comes to know that, said suit is remitted back to this court as per the order passed by Hon'ble Principal District Judge, Sindhudrug-Oros in R.C.A. 74/2014. On minute reading of copy of judgment passed in R.C.A. 194/2013 which is at exh. 19 it comes to know that, Hon'ble Principal District Judge Sindhudurg-Oros while remitting said matter to this court imposed condition that ' defendant no.2 shall deposit compensation amount of Rs. 2000/- per month in the trial court from the date of this order regular on or before 10 day of each month till the decision of suit. In case of failure to deposit the said amount legal consequences as per the Order XXXIX Rule 11 of the C.P.C. shall follow.'

2. On Perusal of whole record and roznama of the said case, it comes to know that, on 03/07/2019 defendant filed application at exh. 21 and thereby prayed to seek permission for depositing amount of Rs. 2000/-. My ld. predecessor allowed said application by imposing cost of Rs. 200/-. Said amount of Rs. 2200/- is deposited by the defendant in a court vide exh. 23. Thereafter no any amount is deposited by defendant into a court. Roznama of the said case clearly shows that on most of appointed dates defendant no.2 remained absent. Today also, defendant no.2 is absent on repeated calls uptill 1.05 p.m. No any application is filed on behalf of him. A conduct of the defendant show that he does not have any concern in respect of the court order. In such situation, defence of the defendant no.2 needs to be strike out. However, before passing any order in respect of defence strike out it is necessary to issue notice to the defendant no.2. Hence for interest of justice I pass following order:

ORDER

Issue show cause notice to the defendant no.2 as to why defence taken by him shall not be strike out as per the provision laid down Order XXXIX Rule 11 of the C.P.C.

DISTRICT COURTS MAHARASHTRA

Digitally signed by DURGA BHAGAWAN SUTAR
Date: 2021.12.08 18:01:20 +0530

Date:-06/12/2021. (D.B.Sutar)
Jt. Civil Judge(J.D).,Sawantwadi.