

Order below Exh. 71 in Regular Darkhast No. 17/2012

Perused the application and say filed thereon. Heard both sides at length. Perused the record and roznama.

02. After perusal of roznama it seems that, main execution petition has been proceeded exparte against J.D.Nos. 1A and 1B as per the order passed below Exh.1 on 06/01/2016. These Judgment debtors have moved the application for the purpose of setting aside the said order on 14/03/2016. These judgment debtors in brief submit that on account of reason stated in the application the above order may kindly be set aside. So far as say given by D.H. is concerned, she submits in brief that the application is false therefore it may kindly be rejected. Thus, she has submitted that the application may kindly be rejected.

03. After perusal of application it seems that, the ground shown for setting aside the order dated 06/01/2016 passed below Exh. 1 is not satisfactory. However in the interest of justice the above order needs to be set aside subject to costs of Rs. 300/- (Rs. Three hundred) only as no prejudice would cause to D.H. by allowing the application. It will be just and proper to order to give the said costs to the D.H. Thus the order follows,

Order

1. Application stands allowed subject to costs of Rs. 300/- (Rs. Three hundred) only.

2. An order of proceeding execution petition exparte against J.D.Nos. 1A and 1B dated 06/01/2016 passed below Exh. 1 is set aside.
3. Costs be given to D.H. on or before next date failing which order shall stand cancelled.

(Pronounced and dictated in open Court.)

Sd/-

Date :- 27th July, 2017

(R.R.Kale)
Civil Judge (J.D.) Malvan.