

ORDER BELOW EXH.51 IN R.C.S.NO.28/2018.

- 1- This is an application filed by defendant No.8 for setting aside an exparte order passed on 21.01.2019.
- 2- Defendant submitted that due to delivery she was unable to remain present in the court and submit her written statement within time. Hence, prayed for setting aside exparte order.
- 3- Plaintiff submitted say and objected the same.
- 4- Considering the reason and to prove an opportunity of being heard, it is necessary to set aside exparte order passed against defendant No.8 on 20.04.2019. Therefore, application is tenable and deserves to be allowed in the interest of justice. In the result, I proceed to pass following order.

ORDER.

1. Application is allowed.
2. Exparte order passed against defendant No.8 on 20.04.2019 is hereby set aside.
3. No order as to costs.

Date:-05/03/2020
Kavathe-Mahankal

(S.A.Kulkarni)
Civil Judge, Junior Division,
Kavathe-Mahankal.

ORDER BELOW EXH.53 IN R.C.S.NO.28/2018.

1. This is an application filed by defendant No.8 to condone the delay of 13 months and 15 days caused in filing written statement. Defendant No.8 submitted that summons has been served but due to delivery she remained absent. Further she was unable to meet her advocate and give instructions. Further she submitted that the reasons are bonafide and prayed for condoning the delay as prayed.

2- Plaintiff object the same. The reason of defendant No.8 is satisfactory. Further opportunity of being heard should be given. Further matter should be proceeded on merit. Procedural law is handmaiden to justice. Liberal approach should be adopted. Considering this aspect, application deserved to be allowed in the interest of justice. Hence, following order.

ORDER

1. Application is allowed.
2. Delay caused by defendant No.8 in filing written statement and say is hereby condoned.
3. No order as to costs.

Date:-05/03/2020

Kavathe-Mahankal

(S.A.Kulkarni)
Civil Judge, Junior Division,
Kavathe-Mahankal.

