

ORDER BELOW EXH. 58 IN RCS No. 83/2015

1- The defendant no.4 has filed present application to set aside “Exparte” order passed against him. The plaintiff has resisted the application by filing say below said application.

2- Perused the application and say. I have gone through the entire record and also the application, say and relevant provisions of law

3- On going through the entire record, I found that the defendant no.04 has failed to appear before court in spite of service of summons on 31.07.2015. Present application is filed on 04.01.2018 i.e. after lapse of more than two years. However, the written statement of defendant No.4 is necessary in order to decide the matter on merit. Fair opportunity has to be given to both parties to present their case. On believing contention of the defendant No.4 that he has made out sufficient cause to set aside exparte order passed against him. Considering the approach of the defendant No.4 and delay so caused made by him, I am of the view that in the interest of justice and in order to decide matter on merit, this application is required to be allowed subject to heavy cost of Rs.1000/ (Rs.One thousand). Hence I pass the following order.

ORDER

1. The application Exh.58 is allowed and “Exparte” order passed against the defendant no.4 is hereby set aside subject to cost of Rs.1000/ (Rs. One thousand) .
2. The cost be paid to the plaintiff within ten days of this order.

Sd/...

Date:-12-07-2018

Kavathe-Mahankal.

[Manoj C. Nepte]
Jt. Civil Judge, Junior Division,
Kavathe-Mahankal.