

Common Order below Exh. 23 to 25

These applications to set aside ex-parte order and permission to file written statement and reply.

2. Heard learned advocate Shri. V.K.Chavan for defendant No.1, 4 and 5 and learned advocate Shri. S.A.Patil for plaintiff at length. I have carefully perused the record. The aforesaid defendants failed to appear in this case. Therefore, the suit proceeded ex-parte against them on 06/01/2024. There is no single document to establish the alleged threats to defendant No.1. Therefore, that reason is not satisfactory. There is own default of defendant No.4 and 5 for not supplying necessary documents to their advocate. Accordingly, they deliberately prolonged the matter. The plaintiff prayed cost for delay. Considering need of proper adjudication of suit, there is need to grant an opportunity to the defendant. No doubt, an opportunity is backbone of justice. Its refusal will amount to miscarriage of justice. Hence, there is need to set aside ex-parte order and grant opportunity to the defendant to contest the suit. Hence, I passed following order-

Order

- 1) The applications Exh. 23 to 25 are allowed as prayed and thereby set aside ex-parte order subject to cost Rs. 300/- per head.
- 2) After payment of cost to the plaintiff, the written statement filed by defendant Nos. 1, 4 and 5 will be accepted.
- 3) The defendant Nos. 1, 4 and 5 shall comply the order forthwith.

Date 12/01/2024

Sd/-
(S.A. Surjuse)
Civil Judge Junior Division,
Shirala