

**ORDER BELOW EXH.59 IN RCS No.610/2023**  
(OLD RCS No.30/2012)

Defendants No.1 to 4 was submitted this application to set aside ex-parte order and permission may be granted to submit written statement and counter claim.

2. To this application the plaintiff has submitted say that the suit is for measurement, measurement is completed on the measurement report. Defendants No.1 to 4 wants to submits their written statement and counter claim. Therefore, proper order may be passed.

3. Learned advocate of both sides are absent. The suit is relating to measurement and for perpetual injunction. Defendants No.1 to 4 wants to submit the counter claim for recovery of encroached portion and for perpetual injunction. So, the counter claim in relating to subject mater of the suit. This court is fact finding court. Therefore, for proper adjudication of matter ex-parte order is set aside and defendants are permitted to submit their written statement along with counter claim.

Date-11/10/2024.

Sd/-  
(U.V.Joshi)  
Civil Judge Senior Division,  
Malshiras.