

Order On Exh. 65 in R.C.S.No. 261 Of 2014
(Dadasaheb Babar Vs. Haridas Babar etc.)

With instant application defendant No. 3 seek permission to appear and defend the claim. According to him, they unknowingly refused summons, therefore, they have not appeared and file their written statement within stipulated time. Therefore, an ex-parte order to proceed against him, needs to be set-aside. The defendant No. 3 has filed an affidavit in support of the application.

2 The plaintiff opposed application contending that the defendants had raised false grounds and willingly delayed to appear in the suit. Ld. advocate for the plaintiff argued that, the application needs to be rejected or heavy cost impose on them.

3 Perused application, an affidavit in the support and the say along with the record. As per order below Exh. 01 the ex-parte order passed against the defendant No. 3. Today he appeared and filed instant application to set-aside an ex-parte order.

4. Despite service of suit summon defendant no. 3 failed to appear and file his W.S. However, the reasons mentioned in the application seems to be satisfactory for his non appearance before the court.

5. Considering the nature of the suit, it will just and proper to give an opportunity to the defendant no. 3 in the interest of justice. Therefore, considering all above facts and circumstances, I pass following order-

ORDER

- 1) Application Exh. 65 is allowed.
- 2) Ex-parte order passed against defendant no. 3 is set aside.
- 3) Costs in cause.

Date : 01/11/2023

(M. N. Patil)
4th Jt. Civil Judge Junior Division,
Malshiras.

C E R T I F I C A T E

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

Name of the Court : 4th Jt. C.J.J.D & J.M.F.C., Malshiras.

Name of Stenographer : Praveen Nagnath Nalla (Grade III)

Order signed by the Presiding Officer on : 01 / 11 / 2023.

Order uploaded on : 01 / 11 / 2023.