

ORDER BELOW EXH.98 IN R.C.S. NO.103/2017

The instant application has been filed by defendant no.5 for permitting her to deposit cost amount in the Court. Called say of plaintiffs.

[2] As per the contention in application, inadvertently she failed to deposit cost amount (cost amount in application at Exh.76 of Rs.2,000/-). Now, she is ready to deposit the said cost amount. Hence, she prayed for permitting her to deposit cost amount. Plaintiffs have filed their say contending that, reason mentioned in application is not proper and prayed for rejecting the application. Alternatively, they prayed for imposing heavy cost.

[3] Perused the record. It is revealed that, the present defendant has filed an application at Exh.76 for setting-aside Exparte order and the Court has allowed the said application with cost of Rs.2,000/-. But, defendant has failed to deposit cost amount. It is crystal clear that, there is delay in depositing cost amount. But, it is cherished principle of law that, everyone should get the chance to lead his case. If the application is rejected and permission to deposit cost will not given to defendant, she will suffer heavy loss and will not get the opportunity to defend herself and lead her case. At the other hand, if the application is allowed, no loss will be caused at the side of plaintiffs except delay. One can't vitiate right of any person to defend himself on ground of delay. In the interest of justice, a fair chance, an opportunity should be given to defendant.

[4] Hence, in the backdrop of above discussion, I proceed to pass the following order :

ORDER

- 1] Application is allowed, subject to cost of Rs.1,000/- [Rs. One Thousand Only]. The cost amount be given to plaintiffs.
- 2] Defendant no.5 is allowed to deposit cost amount (cost amount in application at Exh.76 of Rs.2,000/- + Rs.1000/- of this application) immediately without fail.

Date : 07/06/2023

(Smt. S.N. Gangwal-Shah)
Civil Judge J.D., Mangalwedha

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word as per the original Order.

- (a) Name of the Stenographer : A.P.Hipparagi,
- (b) Name of the Court : C.J.J.D., Mangalwedha, Dist. Solapur,
- (c) Order signed by P.O. on : 07/06/2023
- (d) Order uploaded on : 07/06/2023