

ORDER BELOW EXH. 30

1) This is an application made by the defendant No. 5 to set aside exparte order passed against him on 16/02/2024. But plaintiffs strongly opposed the application vide say.

2) Heard. Read the application and say. Perused record and proceeding. I have also gone through relevant provisions of the Code of Civil Procedure. It appears that this suit is for declaration and permanent injunction. Summons & notice served to defendant No.5 on 22/12/2023 vide Exh. 7 and 8 but he failed to appear the before court due to his official work. Hence, Ex-parte order passed on 16/02/2024 against him and this application filed by defendant no.5 on 09/05/2024.

3) The matter is in respect of immovable property and valuable rights of the defendant no.5 is involved in matter. It is well settled that opportunity of natural justice should be given to everyone. It is also well settled that no one should be condemned unheard. In order to enable the court to effectively decide the matter, it is necessary to set aside Ex-party order dated 16/02/2024 passed against defendant No.5. It is therefore, necessary in the interest of justice to allow the application. Hence, I pass the following order.

ORDER

- 1) The application is allowed subject to costs of Rs. 200/- be paid to the plaintiff.
- 2) Exparte order passed below exh. 1 on 16/02/2024 is hereby set aside.
- 3) Cost shall be paid on or before next date, in case of failure the application stands rejected.

Date : 16/01/2025

Sd/-
(Khwaja C. Kalal)
Jt. C.J.J.D., Mangrulpir,
Tal. Mangrulpir, Dist. Washim.

CERTIFICATE

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.”

Name of Steno : Shri. C.R.Gadge (Grade – III)

Court Name : Shri. Khwaja C. Kalal,
Jt. C.J.J.D. & J.M.F.C., Mangrulpir

Date of Order : 16/01/2025

Order signed by presiding : 16/01/2025
officer on

Order uploaded on : 16/01/2025