

KABG200009792022



This is a petition filed by the petitioner for restoration of OS No.71/2022 which was dismissed for default on 21-09-2022. In order to substantiate the averments of petition, the debt manager of petitioner bank himself examined as Pw.1. Pw.1 has reiterated the averments of petition in his examination in chief. In support of the oral evidence, Pw.1 has got marked certified copy of the order sheet in OS No.71/2022 as Ex.P1. He prayed to allow the petition and restore OS No.71/2022.

Inspite of service of notice the respondents No.1 and 2 have remained absent.

On perusal of the material on record, it is noticed that on 21-9-2022 the suit in OS No.71/2022 was dismissed for default.

The petitioner herein has filed a suit in OS No.71/2022 for recovery of amount. The defendants have raised loan from the plaintiff-bank. The public involved in the suit. Therefore, I am of the view that the petitioner be given an opportunity to contest the matter on merits by allowing the petition with condition to lead evidence without seeking unnecessary adjournments. Accordingly, I proceed to pass the following :

ORDER

Petition U/o.9 Rule 4 R/w.Sec.151 of CPC filed by the petitioner is allowed on cost of Rs.500/-.

OS No.71/2022 is restored on its original stage.

Office is hereby directed to put up OS No.71/2022 on 15-03-2023.

Cost shall be deposited to TLSC, Athani.

Prl. Senior Civil Judge, Athani