



ORDER BELOW EXH. 109.

The present application is filed by the plaintiff for setting aside no argument order passed against him.

2] In brief it is contention of the plaintiff that the Court has passed no argument order below Exh. 99 against them. Similar order was passed against defendant No. 3, which was set aside by the Court. Similar opportunity needs to be given to the plaintiff or else he may suffer irreparable loss.

3] The defendant No. 3 has strongly opposed the present application by filing say overleaf. According to the defendant No. 3, the plaintiff has filed this application for misleading the Court. The plaintiff has already filed his say to the application under Order 7 Rule 11 of CPC filed by defendant No. 3 and as no one was present for hearing on the side of plaintiff, on the fixed date, the Court has passed the order below Exh. 99. The plaintiff has not sought for setting aside the said order for a considerable period and hence application be rejected.

4] Heard learned advocates for both the sides. Perused the record. In the case in hand, it is matter of record that as plaintiff was not present for argument, as such no argument order was passed against him below Exh. 99. Similar order was passed against defendant which were set aside by the Court. Thus, to grant equal opportunity to both the sides, to decide controversy on merits and in the interest of

justice, I proceed to pass following order in the interest of justice :-

: ORDER ::

1. Application is allowed.
2. No argument order passed against plaintiff is set aside.

Pune.

Dated : 07.04.2022.

(M. S. Sahasrabuddhe)
Addl. Judge, Small Cause Court
& Jt. Civil Judge S. D. Pune.