

Order no.37 dt. 10.03.2016

Today is fixed for evidence on behalf of plaintiff.

Defendant no. 1, 1(ka), 1 (kha), 1 (ga) filed a taken off petition and prays for taken off the matter from P.H. Board.

Heard. Considered.

Prayer is allowed.

Defendant no .1, 1(ka), 1 (kha), 1 (ga) filed exparte vacating and prays for setting aside of exparte hearing of the suit.

Both parties file their respective haziras.

Now the record is taken up for hearing and passing necessary order.

Heard both side at length.

Considered.

In their exparte vacating petition the defendant stated that due to illness of one of the family member of the defendants, they could not filed the W/S within stipulated time as fixed by the statute. Hence they prayed for condonation the delay of filing W/S and also prayed for setting aside the order of exparte proceedings of this suit.

Ld. Advocate for the plaintiff raised formal objection against the prayer of the defendant and prayed for cost for their harassment.

Considering the plea of both the parties and keeping into my mind the dictum of natural justice, I am inclined to allow the instant petition of the defendant but subject to cost.

Defendant no .1, 1(ka), 1 (kha), 1 (ga) had also file a petition and praying for adoption of written statement filed by their predecessor.

Heard. Considered.

Prayer is allowed.

Hence it is

ORDERED

That the exparte vacating petition is hereby allowed on contest with a cost of Rs.50/- to be borne by the defendant to the plaintiff. Accordingly, the order no.36 dated 11.02.2016 is hereby set aside.

The W/S filed by the original defendants is hereby adopted on behalf of defendant nos. 1, 1(ka), 1 (kha), 1 (ga) .

Fix

for PW-2