

ORDER SHEET

DISTRICTS:- GOALPARA

IN THE COURT OF CIVIL JUDGE, GOALPARA

Misc (J) Case No. 36/2019 (in connection with T.S. No. 09/2019)

Versus

Serial No. of orders	Date	Order	Signature
	03/06/2019 :	<p>Seen the petition filed by petitioner/defendant No.1 praying for vacating the ex parte order dated 17/05/19 passed in the Main suit (T.S. No. 09/2019). The said petition is supported by an affidavit. The petition is registered as instant Misc. case. Copy of the petition is already received by learned advocate for O.P./plaintiffs.</p> <p>Heard both sides. Perused the record.</p> <p>The learned advocate for the petitioners submitted that due to mistake of advocates clerk the last date which was fixed on 17/05/19 was wrongly recorded as 24/05/19 in the diary of the advocate for the defendants and this fact as known to the learned advocate for the defendant on 24/05/19 when he appeared in the Court to take step. It is thus submitted that the ex parte order dated 17/05/19 be vacated else the defendant No.1 will suffer irreparable loss and injury.</p> <p>The petition is objected by the learned advocate for the plaintiffs who submitted that the defendant is delaying the case and also submitted that if the petition is allowed, a cost may be imposed to the defendant.</p> <p>Having considered the submissions of both sides and considering the ground assigned in the petition, I feel it just and appropriate to allow the prayer for the interest of justice. Hence, the ex parte order dated 17/05/19 passed in the suit stands vacated with cost of Rs. 500/- which shall be paid to the plaintiffs.</p>	

Contd.....
(03/06/2019)

With the above observation and order, the instant Misc. case stands disposed of on contest.

Dictated

