

SCS No. 421/2000
M/s Ladikar/State

Order below the application at Exhibit No.64

1. Perused the application and the say and the record. Heard the learned counsels for the respective parties.
2. By this application, defendant Nos. 2 to 4 are seeking time to take steps in the proceedings as regards the prayer for setting aside order dated 12.12.2018 passed below the plaint at Exhibit No. 1. It is opposed by the plaintiff on the ground that, it is not maintainable and that, the above order are much old.
3. The points that arise for my consideration along with my findings thereon are as follows-

	POINTS	FINDINGS
1	Whether the application is liable to be allowed?	Yes.
2	What order ?	Application is allowed.

REASONS

As to Point No.1 :-

4. Perusal of the record shows that, by way of this application, defendant Nos. 2 to 4 are praying for appropriate steps to set aside the order dated 12.12.2018 passed below the plaint at Exhibit No. 1. No doubt, the same is objected by the plaintiff. However, it is clear that the objections of the plaintiff can be considered while deciding the application filed for setting aside the above order. No prejudice will be caused in granting opportunity to defendant Nos. 2 to 4 to file such an application as per law. Therefore, I answer Point No. 1 in the affirmative.

As to Point No.2 :-

5. In view of the above discussion, the application is liable to be allowed. It would be proper to direct the parties to bear their own costs of this application. Hence, in answer to Point No.2, I pass the following order-

ORDER

1. The application is allowed.
2. The parties to bear their own costs of this application.

Nagpur
Date 13-01-2021

(Smt. V. P. Phadnis)
6th Jt. Civil Judge, Sr. Dn., Nagpur.