

IN THE COURT OF SMALL CAUSES, AT MUMBAI**ORDER BELOW EXHIBIT-28****IN****R.A.D. SUIT NO. 472 OF 2021****[CNR NO. MHSCA 20009422021]****Shri. Nitin Manilal Furia & Anr.****.....PLAINTIFF****Versus****M/s. Aarti Realchem LLP & Ors.****.....DEFENDANTS**

Coram : A. H. Baig
Judge, C. R. No. 9
Date : 27/09/2024

: ORDER :

Perused the application and say filed. Heard both the learned advocates. By moving present application, defendants have prayed for setting aside ex-parte order dated 20/10/2021 passed against defendants No. 1 to 4 and 6 to 8. Fair chance should be given to the defendants to contest this suit by setting aside ex-parte order. As per principle of natural justice 'Audi Alteram Partem', no person shall be condemned unheard. If such opportunity is given to defendant by setting aside ex-parte order, no serious prejudice will be caused to the plaintiff. On the contrary, suit will be decided on merits. Accordingly, I hold that application deserves to be allowed in the interest of justice and fair play. Hence, the order :

: ORDER :

1. The application is allowed in the interest of justice.
2. Ex-parte order passed against defendants No. 1 to 4 and 6 to 8 dated 20/10/2021 is set aside.

Date : 27/09/2024**Mumbai**

Dictated On : 27/09/2024
 Transcribed on : 27/09/2024
 Checked and signed on : 27/09/2024

(A. H. Baig)
Judge, C.R. No. 09

