

IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXHIBIT-29
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, defendant No. 5 has prayed for setting aside ex-parte order dated 06/12/2021 passed against him. Fair chance should be given to the defendant 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 defendants, 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 defendant no.5 dated 06/12/2021 is set aside.

Date : 27/09/2024
Mumbai

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

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

