

Present :- Sh. Rohit Sharma, Adv,counsel for applicant/defendant no.4  
Sh. Ramesh Chaudhary Adv, counsel for  
respondent/plaintiff.

1. Vide order this court shall dispose off an application for setting aside ex-parte order dated 05.02.2020 moved by defendant no.4.

2. In the application, it is submitted that defendant no. 4 bank of Maharashtra has been proceeded against ex-parte vide order dated 05.02.2020 as the counsel of defendant bank noted wrong date of hearing. Further it is submitted that the due to outbreak of Covid-19, the defendant bank could not file application for setting aside ex-parte. Further it is submitted that the case is at preliminary stage and therefore setting aside the ex-parte will not have adverse on the court proceedings and last prayer was made to allow the application.

3. Upon notice, written reply to the said application has not been filed by respondent. Ld counsel for respondent made a separate statement that he has no objection if the said application is allowed as per rules.

4. I have heard both the counsels for the parties and gone through the case file minutely.

5. Heard. Perusal of file shows that the applicant/defendant no.4 was proceeded against ex-parte on 05.02.2020. Thereafter the case was fixed for service of remaining defendants and arguments on application under order 7 rule 11 CPC and in the meantime present application was filed on 27.10.2021 . The case is still at preliminary stage and justice demands that no prejudice shall be caused to any of the parties and no

party shall be condemned unheard. In view of above discussion, present application is allowed. Now to come up on 15.07.2022 for arguments on application under order 7 rule 11 read with section 151 CPC.

Date of Order: 07.04.2022  
Minakshi Bajaj

(Tushar Kaur Thind)  
Civil Judge Junior Division  
Amritsar, UID No. PB0466

Tushar Kaur Thind, CJ(JD) , Amritsar. UID No.PB0466

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