

V/s.

Shreeji Developers ... Respondents

Mohit Bhardwaj with Vinod Prajapati, for the applicant
Mr. Arun Panickar with Vinay Nair, for the respondent no. 2.

CORAM : N.J. JAMADAR, J.
DATE : 14TH OCTOBER 2025.

PC:

1. Heard the learned counsel for the parties.
2. The challenge in this petition is to an order dated 11th July 2025 passed by the learned Judge, City Civil Court whereby Notice of Motion taken out by the despondent Nos. 1 to 3 and 8 to set aside the ex-parte order dated 22nd November 2023 came to be allowed, subject to payment of costs of Rs. 4,000/-.
3. The learned Judge had passed an ex-parte order on 22nd November 2023, noting, inter alia, that the defendant nos. 1 to 3 and 8 did not appear though served. Hence, the suit to proceed ex-parte against the defendant Nos. 1 to 3 and 8. The suit came to be adjourned

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to 12th January 2024 for taking steps against the defendant Nos. 6, 7 and 9. In the meanwhile, on 29th November 2023 itself the defendant Nos. 1 to 3 and 8 took out the Notice of Motion.

4. By the impugned order, the learned Judge was persuaded to allow the Notice of Motion observing, inter alia, that though defendant nos. 1 to 3 and 8 did not disclose as to why they had not appeared on 22nd November 2023, yet, to advance the case of substantive justice, as the defendant Nos. 1 to 3 and 8 had immediately appeared before the Court, they deserved an opportunity to contest the suit.

5. Mr. Bhardwaj, the learned counsel for the applicant, submitted that the defendant nos. 1 to 3 and 8 were enjoined to show good cause for non-appearance for 22nd November 2023, and, therefore, in the absence thereof, as recorded by the learned Judge, City Civil Court, the Notice of Motion could not have been allowed.

6. The fact that the defendant nos. 1 to 3 and 8 had appeared before the Court within 8 days of passing of the ex-parte order cannot be lost sight of. Much before the next scheduled date of appearance, defendant Nos. 1 to 3 and 8 appeared before the Court, when the suit was adjourned to 12th January 2024 for taking steps against the

defendant nos. 6, 7 and 9. In these circumstances, the learned Judge, City Civil Court has passed an order which promotes the cause of determination of the lis on merits rather than on technicalities.

7. I am, therefore, not inclined to interfere with the impugned order, in exercise of supervisory jurisdiction.

8. Thus, the Application stands dismissed.

(N.J. JAMADAR, J)