

S.C.S. No.205/2021
Dilip Raisonni
V/s.
Sampada Developers & Ors.

ORDER BELOW EXH.53
(Passed on dated 11.08.2026)

The instant application is filed by the defendant Nos.1 to 3 under Order IX Rule VII of CPC. for setting aside ex-parte order, which was passed on 04.02.2023 below Exh.1. It is averred by the defendant Nos.1 to 3 that, summons was published in local news paper as per Order V Rule 20 of CPC. They were not aware about the said summons and present proceedings. Hence, they could not appear in this matter. Accordingly, an ex-parte order was passed against them below Exh.1 on 04.02.2023. Therefore, defendant Nos.1 to 3 prayed for setting aside ex-parte order.

2] The learned counsel for the plaintiff has filed his say vide Exh.54 and submitted that, the summons through paper publication were served to the defendants, however, they failed to appear before the Court deliberately. The contentions mentioned in the application are false. The reasons mentioned in the application are not justiciable as well as excusable. Hence, the plaintiff prayed for rejection of this application with heavy costs.

3] Heard both the learned counsels for the parties. Defendant Nos.1 to 3 came forward with a theory that they desirous to contest the suit. It is well known principle of justice that, the person

should not be condemned unheard and fair opportunity of being heard should be given to aggrieved person. Hence, if an order of ex-parte would not be set-aside, defendant Nos.1 to 3 will be deprived from their legal rights and they will be caused irreparable loss. However, the said ex-parte order was passed on 04.02.2023 and the present application came to be filed on 23.04.2026. Thus, delay as alleged in the application cannot be condoned in a casual manner and it can be compensated in terms of costs, to be paid to plaintiff. If present application be allowed then no serious prejudice would cause to plaintiff and he can be compensated by way of costs and matter will be decided on merits. Thus, for all these reasons, I proceed to pass the following order.

-// ORDER //-

- 1] The application is hereby allowed, subject to costs of ₹6,000/- (₹2,000/- each defendant Nos.1 to 3), payable to the plaintiffs.
- 2] After payment of costs amount, an order of ex-parte dated 04.02.2023 passed below Exh.1 will set-aside.
- 3] The parties to take note of this order.

Date - 11/08/2026

(Deepakkumar M. Mata)
4th Jt. Civil Judge Sr. Dn.,
Pune.

CERTIFICATE

I affirm that the contents of this P. D. F. file Order is same word for word as per Original Order.

Name of Steno	:	Amit M. Mane, (Stenographer Grade-III)
Court Name	:	Deepakkumar M. Mata 4 th Jt.Civil Judge Senior Division, Pune.
Date of Order	:	11/08/2026
Order signed by the Presiding Officer	:	11/08/2026
Order Uploaded on	:	11/08/2026