MHSN150009092020

(Bharati Baburao Mahar (Jagtap)
V/s.
The State of Maharashtra-Other)

ORDER BELOW EXHIBIT 106 IN REGULAR CIVIL SUIT No.30/2020

{OLD REGULAR CIVIL SUIT No.387/2015}

1. This is an application filed by the defendant No.6 and 8 for setting aside 'ex-parte' order dated 05/09/2023 passed against them and to seek permission to file their written-statement on record.

2. Perused application and say of the plaintiff. Heard both sides at length.

3. Considering the contentions of both side and on perusal of record, it appears that, the plaintiff has filed the present suit for permanent injunction and the matter is pending for hearing. The defendant No.6 and 8 have contended that, the defendant No.6 is permanently resides at Mumbai and the defendant No.8 is permanently resides at Ahamadabad (Gujarat) and due to that they could not remain present before the Court on fixed date. Hence, 'ex-parte' order is passed against them. The delay is not intentional. If,

the 'ex-parte' order is not set aside and the defendant No.6 and 8 are not allowed to file their written-statement, then irreparable loss caused to them.

4. The defendant No.6 and 8 have shown aforesaid sufficient cause as to why they could appear in the present matter on stipulated date. Therefore, considering the facts and circumstances in the present matter, it appears that, no prejudice would be caused to the plaintiff except by efflux of time, which can be compensated in terms of costs. So, in order to decide the matter on merit by giving sufficient opportunities to the parties and to decide the real controversy between the parties, it will be just and proper to grant permission to the defendant No.6 and 8 to file their written-statement by setting aside 'ex-parte' order dated 05/09/2023 passed against them. Hence, I proceed to pass the following order.

O R D E R

The application Exhibit 104 is allowed and 'ex-parte' order dated 05/09/2023 passed against the defendant No.6 and 8 is hereby set aside and the defendant No.6 and 8 are permitted to file their written-statement on record, subject to costs of Rs.100/- each i.e. total Rs.200/- (Two hundred rupees only) to the plaintiff.

DNYANESHWAR SITARAM PATALE

Digitally signed by DNYANESHWAR SITARAM PATALE
Date: 2025.06.18 17:23:08 +0530

Vita. **(Dnyaneshwar S. Patale)**
Date: 18/06/2025 **Jt. Civil Judge Senior Division, Vita.**

I affirm that, the contents of this P.D.F. file Judgment/ Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer : S. P. Pethkar.
Court : Jt. Civil Judge Senior Division, Vita.
Judgment/Order signed by
the Presiding Officer on : 18/06/2025.
Judgment/Order uploaded on : 19/06/2025.