


MHAH080001452014 	<u>ORDER BELOW EXH-335 IN</u> <u>R.C.S NO. 199 OF 1995.</u> (Laxman Rabhaji Wagh Vs. Rangnath Rabhaji Wagh and Ors.)
--	--

(Passed on 21/11/2025)

Perused application and say filed thereon. Heard both sides. This suit is 30 years old. The plaintiff sought amendment in pleading by application at Exh.314 and the application is partly allowed by order dated 24/09/2025. Thereafter, the plaintiff carried out amendment and filed amended plaint on 08/10/2025. Since then the suit is for additional W.S. by defendants since 08/10/2025. Thereafter, after giving enough opportunity to defendants no additional W.S. order was passed against LR's of defendants No. 3. After passing of order immediately this application is moved with submission that, it is necessary for defendants to submit their W.S. Therefore, they prayed to set aside ex-parte order passed against defendants No. 3.1A to 3.1D, 3.2A, 3.3 to 3.6 dated 20/03/2025 and No. W.S order passed against defendant No. 3.2E(३.२३), 3.2F(३.२३) and 3.2G(३.२३).

02. The plaintiff filed say overleaf of application and submitted that, this application is moved by defendant only with intention to prolong the suit. Therefore, plaintiff prayed to reject the application or allow the application subject to heavy costs.

03. The suit is pretty old and it is equally important for all the parties to take prompt steps in order to avoid delay and to expedite the proceeding. Though it is necessary to give opportunity of being heard to defendants and for final adjudication of real question of dispute between both parties, it is also equally important to consider the delay caused by defendants to file their W.S. Hence, ex-parte order passed against defendant No. 3.1A to 3.1D, 3.2A, 3.3 to 3.6 dated 20/03/2025 is set aside subject to cost Rs. 5,000/- to be paid to T.L.S.A., Sangamner and No W.S. order passed against defendant No. 3.2E(३.२३), 3.2F(३.२३) and 3.2G(३.२३) dated 19/11/2025 is set aside subject to costs of Rs. 2,000/- to be paid to T.L.S.A., Sangamner.

Place : Sangamner.
Date : 21/11/2025.

(Smt. S. B. Dhawale)
Judicial Magistrate, First Class,
Sangamner, Dist. Ahmednagar.