


MHAH080001452014 	<u>ORDER BELOW EXH-340 IN R.C.S</u> <u>NO. 199 OF 1995.</u> (Laxman Rabhaji Wagh Vs. Rangnath Rabhaji Wagh and Ors.)
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(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. However, defendant No. 3.1A, 3.1C and 3.3 failed to appear inspite of service of summons. Therefore, itself on 20/03/2025 suit was proceed exparte against them by order below Exh.01. Now, defendant No. 3.1A, 3.1C and 3.3 moved this application and submitted that, their ancestor defendant No. 3 had contested this suit and being his representatives their interests are vested in this suit. Therefore, they prayed to set aside ex-parte order passed against defendants No. 3.1A, 3.1C and 3.3 dated 20/03/2025.

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 appear and proceed with suit. Hence, ex-parte order passed against defendant No. 3.1A, 3.1C and 3.3 dated 20/03/2025 is set aside subject to cost Rs. 5,000/- 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.