



Jaysing Madhav Pawar
Vs.

The Collector, Ahmednagar and others

ORDER BELOW EXH. NO.75

(Passed on 25/09/2025)

The instant application has been filed on the behalf of the defendant no. 4 and 07 for setting aside ex-parte order passed against them.

2. Heard the learned advocate Shri. S.M. Mane for the defendant no. 4 and 7. He submitted at bar that, the defendant No. 04 and 047 were served with the notice but they were out of station hence, unable to appear before the court. Accordingly, the court has passed the ex-parte order against them. The delay was not intentional. As the valuable right of the parties are involved, they may be given an opportunity to put up their case. Hence, prayed to set aside ex-party order passed against them.

03. Per contra, the learned advocate for the plaintiff Shri. V. V. Aghav vehemently resisted the application on the ground that, there is no sufficient cause shown by the defendant no. 04 and 07 for their non appearance before the Court. He further urged that, after giving 9 dates for the appearance of the defendant No. 04 and 07 before the Court, the learned predecessor of this Court had passed ex-parte order against them. He further urged that, the present application is nothing but delaying practice. Hence, prayed for rejecting the application with costs.

04. After giving my thoughtful consideration to the contentions canvassed by both the parties and on perusal of

record and proceeding it depicts that, the present suit was filed on 23/03/2022. Later-on, the summons were issued to the defendants. On perusal of belief report vide Exh. 14 it depicts that, the summons was served to the defendant No. 04 dated 11/04/2022. Furthermore, vide Exh. 16 the summons was served to the defendant No. 07 dated 11/04/2022. Later-on, the matter was posted on 27/04/2022, 07/07/2022, 12/08/2022, 08/09/2022, 21/09/2022, 12/10/2022, 22/11/2022 and lastly on 13/12/2022. From 11/04/2022 to 22/11/2022 neither defendant No. 04 nor defendant No. 07 appeared before the court. Lastly on 13/12/2022 the learned predecessor of this court passed the ex-parte order against the defendant No. 04 and 07. Later-on, issues were framed. The evidence of plaintiff and defendant No. 01 to 03 was recorded. Later-on, since 28/04/2025 the matter is posted for the final argument. The reason for non-appearance of the defendant No. 04 and 07 is not sufficient. Consequently, I proceed to pass the following order.

ORDER

The application vide Exh. 75 for setting aside
Ex-parte order is rejected.

(Mayur E. Pawar)

Date: 25/09/2025

Civil Judge Senior Division,
Rahuri, Tal. Rahuri Dist. Ahmednagar.