

**Order Below Exh.65 in R.C.S. No.74/2022.**

01. Heard both the sides.

02. The defendant Nos.02 has filed this application and sought the relief of setting aside ex-parte order. Defendants has submitted that, the defendant No.02 is the resident of Aurngabad (Chatrapati Sambhaji Nagar) hence this has not got knowledge about the suit and ex-parte orders. They pray to allow this application. Learned advocate for the plaintiff has filed say below this application and objected to this application. Learned advocate for plaintiff has submitted that, an Ex-parte order has been passed against this defendant. This defendant deliberately did not appear in the suit. There is delay to file written statement. Hence, he prays to reject this application alternatively prayed for heavy cost.

03. Ongoing through the application and say. It seems that the defendant Nos.02 sought to set aside an Ex-parte order against him. It is well settled law that every matter should be adjudicated on merits. The cost can be imposed against this defendant. Therefore, the present application needs to be allowed. In the result, I pass the following order.

## Order

1. Application at Exh.65 is hereby allowed.
2. An Ex-parte order is set aside against the defendant Nos. 02subject to pay cost of Rs.300/- (Rs. Three hundred only) to the plaintiff on or before next date.

Place: Shevgoan

SD/-

Date:- 17.01.2024

(Monali A. Bendre)  
2<sup>nd</sup> Jt. Civil Judge Jr. Division,  
Shevgaon.