

ORDER BELOW EXH.21
(Passed on 30-06-2025)

This is an application filed by the defendant no. 3 to 8 for setting aside the order dated 20.03.2025 passed below Exh.1 to proceed this suit ex-parte against defendant no.3 and for getting permission to file their written statement on record.

2] In the application it is contended by the defendant no.3 to 8 that, on the fixed date of this suit the defendant no. 3 was absent due to unavoidable circumstance and consequently the ex-parte order dated 20.03.2025 is passed against him. They have further contended that, for collecting the required documents for preparation of their written statement, the defendants had to spent some time. Therefore, written statement could not be prepared within stipulated period. So delay is caused, but for the proper adjudication of dispute in the interest of justice the said ex-parte order be set aside and they be permitted to file their written statement on record.

3] The plaintiff has filed his say on the overleaf of this application. He has resisted this application by contending that despite of service of suit summons the defendant no. 3 deliberately remained absent. With intent to prolong the matter the defendants have filed this application. Therefore, this application be rejected with costs.

4] Heard the learned respective Advocates of both sides at length. Considering the contents of this application and say given by other side and the nature of this suit it is very clear that the

defendant no.3 did not deliberately remain absent in this suit on fixed date of appearance. Further for just and proper decision of this suit defendant no. 3 needs to be allowed to appear and contest this suit and also defendant no. 3 to 8 need to be allowed to file their written statement on record. Hence, in the interest of justice, I pass the following order.

ORDER

- 1) Application Exh.21 is hereby allowed and the ex-parte order dated 20.03.2025 passed against the defendant no.3 and no WS order passed against the defendant no. 4 to 8 are hereby set aside.
- 2) The defendant no. 3 to 8 are hereby permitted to file their written statement on record.
- 3) Costs in main cause.

Date : 30/06/2025.

(**Mahesh S. Kale**)
Civil Judge (Sr.Dn.),
Akot.