

MHAU050025472020



ORDER BELOW EXH.29
(Order passed on 21-10-2023)

This is an application filed by defendant No.1 to set aside exparte order passed against him.

02. It is contention of the said defendant that, plaintiff has filed present suit against him and other, however he has mentioned wrong address of the defendants and got served the suit summons on that address, therefore he could not appear in the matter. When he know the facts of institution of the suit, he appeared in the matter and filed application. Lastly prayed to allow the application.

03. Application is opposed by the plaintiffs on the ground that, suit summon was refused by the defendant No.1, hence matter proceeded exparte against him by passing order on 08-12-2021. Thereafter, said defendant appeared in the suit, but failed to file his W.S. Defendants are unnecessary prolonging the matter, hence application cannot be entertained. Lastly prayed to reject the application.

04. Heard both sides. I have gone through the contentions of application and say thereon. Further, I have also gone through the matter and its stage. The present suit has been filed by plaintiffs for

partition and declaration. If claim set by plaintiffs in a suit against the defendants is considered alongwith points involved in the suit and reasons mentioned in the application, I am of the considered view that, opportunity will have to provide to the said defendant to file his W.S. in support of his case. No prejudice would cause to the plaintiffs, if application is allowed, because plaintiffs have full opportunity to lead their evidence in the matter. Therefore, considering the facts of the matter and in the interest of natural justice, I pass following order:

ORDER

1. Application is allowed as prayed.
2. Exparte order passed below Exh.1 dated 08-12-2021 is hereby set-aside subject to cost of Rs.500/- (Rs. Five Hundred only).

Place : Vaijapur.
Date : 21-10-2023

(R. M. Karade)
Jt. Civil Judge Senior Division
Vaijapur

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : Shri. G. M. Zade.
(Stenographer Grade-II)
Court : Shri. R. M. Karade.
Jt. Civil Judge, Sr. Dn.,
Vaijapur.
Date : 21-10-2023
Order signed by the
presiding officer on : 21-10-2023
Order uploaded on : 21-10-2023