

MHAU090000562020



: ORDER BELOW EXH.41 IN R.C.S. NO.04/2020:

The application has filed by Defendant Nos. 1 and 2, thereby seeking setting aside ex-parte order dated 29.03.2021. It is the contention of the defendants that they serve suit summons on 19.03.2021, but due to COVID-19, they could not appear in Court. Therefore, ex-parte order has passed on 19.03.2021. Due to COVID-19, the could not take the advocates and engage the advocate in this suit. They submitted that opportunity to file written statement has to be granted in the interest of justice and to decide the suit on merit. Accordingly, prayed for setting aside the ex-parte order dated 19.03.2021. Plaintiff filed his say at Exh.43 and oppose the application. He submitted that there are two Regular Civil Suit, one is filed by Defendant No.1 and another is filed by son of plaintiff against the defendants for partition. Defendants are aware the about the Court proceedings. Defendants have appeared in other two suits, the reasons mentioned in the application is baseless and without evidence. Accordingly, prayed for rejection of this application. Heard. The suit has filed for perpetual injunction in January, 2020. It appears that plaintiff have lead his evidence in year, 2023. At the time of filing the present application by defendants, suit was pending for further evidence of plaintiff. From the

application, it appears that Defendant Nos. 1 and 2 were aware about the Court proceeding. In the application they have mentioned that suit summons was not served upon them. Record shows that suit summons served at Exh.08 to the defendants, but they remain absent. Defendants have mentioned reasons of COVID-19 in year 2021. Admittedly, COVID-19 situation has ends in year 2022. Thereafter, three years were lapsed, but explanation has given by the defendants regarding the delay in filing application. No pleading and relief has claimed regarding delay in filing application. Admittedly, other two proceedings between same parties are pending in this Court. Though defendants were aware about the proceeding fails to appear and file their written statement in time. No ground made out in the application for delay and setting aside ex-parte order. Hence, Defendant Nos. 1 and 2 are not entitle for setting aside ex-parte order dated 19.03.2021. Hence, proceed to pass following order.

ORDER

Application stands rejected.

Paithan,
Date : 27.11.2025

(H.D. Deshinge)
Jt. Civil Judge (Jr.D.), Paithan

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 Stenographer : K. V. Bayas
Court : Jt.C.J.J.D.at Paithan
Date : 27.11.2025
Order signed by the
Presiding Officer on : 27.11.2025
Order uploaded on : 27.11.2025