

**Common Order below Exh.25 & 26**

1. Defendant nos. 3, 5, 6 & 7 filed the present application to set-aside ex parte order passed against them. It is mentioned that due to some unavoidable circumstances defendants were unable to appear before the court and filed their written statement. It is argued that defendants have not made deliberate delay. Only due to above bonafide reason they were unable to appear. Hence, in the interest of the justice it is prayed that both applications be allowed by accepting their written statement.

2. Plaintiff opposed application stating that defendant nos. 3, 5, 6 & 7 appeared through their advocate on 11.12.2023. But before that on 08-09-2022 and 10-10-2022 ex parte order is passed against them. Without getting ex parte order set aside, that application was moved. The reason for delay is not sufficient and bonafide to allow application. Defendants have made deliberate delay of more than one year to file their written statement. Hence, prayed to reject the application.

3. On perusal of record it is seen that initially ex parte order is passed against defendant nos. 3, 5, 6 & 7 on 8.09.2022 and 10.10.2022. Thereafter it is seen that defendant no. 3, 5, 6 & 7 appeared through their advocate on 11.12.2023 and sought time to file written statement without setting aside ex parte order passed against them. There is delay of more than one year. However, in order to decide the case on merits one opportunity is needed to be granted to defendants. Considering the reason

mentioned in the applications & in the interest of the justice, I pass following order -

**ORDER**

1. Applications Exhs.25 & 26 are allowed subject to cost of Rs.700/- be paid to plaintiff.
2. On paying or depositing cost amount written statement of defendant nos. 3, 5, 6 & 7 be read and recorded.

Date: 29/11/2024.

Place: Ambajogai.

(P. R. Wagdole)  
Jt. Civil Judge Senior Division,  
Ambajogai.

**CERTIFICATE**

“I affirm that the contents of this PDF file are word to word as per original Judgment/order”.

Dictated on : 29/11/2024

Transcribed on : 29/11/2024

Checked & signed on : 29/11/2024

Date: 29/11/2024

Sd/-

PS.Kulkarni

Marathi STENO-Gr-III

Civil Court S.D.Ambajogai.