

**ORDER BELOW EXH. 54**

(Passed on 20.08.2022.)

1. This is an application made by the defendant no. 8 to get setting aside ex-parte order passed against him on 03.01.2022.
2. The defendant no. 8 contended that, he was under treatment as he found covid positive, therefore, he failed to appear and file his written statement on record. The intention of defendant no. 8 was bonafide in nature, he is not intentionally prolonging this suit. Lastly, defendant no. 8 prayed for setting aside ex-parte order passed against him dated 03.01.2022.
3. Per contra, plaintiffs are appeared and submitted that, without admitting the contents of application, written statement of defendant no. 8 be taken on record only for sake of fair adjudication of the matter.
4. Perused an application at Exh. 54, supported with affidavit, I have gone through with the say of plaintiffs, documents and record of the case. The present suit came to be filed in the year 2020. It was fixed for evidence of plaintiff. Considering the application at Exh. 54, the defendants stated that, he was under treatment, as he found covid positive and therefore, he failed to appear and file his written statement on record. The reason mentioned is sufficient cause and in order to proper and final disposal of the case, it is require to be heard to the defendant no. 8. Therefore, application deserves to be granted. In this, plaintiff should not be suffered, unnecessarily. Considering above aspect, I proceed to pass the following order.

**Below Exh. 54.**

**:: 2 ::**

**R.C.S. No. 70/2020**  
Maltibai + 7 v/s. Manoj + 10.

**ORDER**

- 01) The application at Exh. 54 is allowed, subject to costs of Rs. 500/- payable to plaintiffs, on or before next date.
- 02) Ex-parte order passed against defendant no. 8, dated 03.01.2022 is set aside and he is allowed to file his written statement on record, on payment of cost.

Place- Lonar.  
Date : 20.08.2022.

(V. S. Raut)  
Civil Judge Jr. Division, Lonar.  
J.O. Code : MHBI-02-2830