



Order below Exh.44 in
Regular Civil Suit No. 228 / 2017
CNR Number is MHKO050022512017
(Passed on 15.02.2022)

This is an application of the Defendants No. 1 and 2 seeking to set aside “exparte” order.

2. Perused the application and say of the Plaintiff. It is the contention of Defendants that election of G.P. Korochi was held in the year 2017 and new body elected. Therefore, new body unaware about the said litigation. They also contended that, due to covid 19, court function was affected. There was some restrictions imposed by the concerned authority. Therefore, common man without substantial reason not allowed to wonder here and there. Hence, after due service of summons, they remained absent. It is not deliberate delay on their behalf. Hence, prayed to allow the application.

3. Plaintiff has filed his say vide Exh. 46 and denied all adverse contents in toto. Present suit is filed in the year 2017. Suit summons were served as per bailiff reports Exh. 7 and 8. They appeared in present suit through their lawyers. Plaintiff strongly submitted that, ex-parte order passed on 20-11-2017. In the year 2017, no pandemic situation was in existence. Therefore, application to be rejected.

4. Heard arguments advanced by Learned Advocates for respective parties. Perused the record. It appears that the Defendants No. 1 and 2 have failed to appear on fixed date due to reason beyond their control. It would be appropriate to give an opportunity to appear in said proceeding and contest the case on merits. No prejudice will be caused to other side, if the suit is proceeded on merits. Hence, I proceed to pass order as under.

ORDER

- 1) Application (Exh.44) is allowed.
- 2) “Exparte order” order against Defendants No. 1 and 2 is set aside subject to costs of Rupees 500/- to be paid to Plaintiff on or before next date.

Date : 15.02.2022

(D. T. Patil)
Jt. Civil Judge Senior Division,
Ichalkaranji