

MHKO070007762021



**Order Below Exh. 95 in R.C.S. No. 129 / 2021**  
**Babitai Bapu Patil & ano.**

**Vs.**

**Suvarna Raygonda Almane & 17 others**

Vide this application, defendant No. 2 is requesting for setting aside ex parte order passed against her. Affidavit in support of this application which enumerates grounds for this application is filed at Exh. 96. Say of plaintiff is overleaf the application whereby they have contended that the grounds for the cause are false and not admitted by plaintiff.

2- Perused application and say. Heard learned advocates for both the sides.

3- According to defendant No. 2, she had already filed another suit bearing R.C.S. No. 225/2014 and therefore was under impression that she is not required to attend the Court. It is also further said that owing to pandemic of Covid 2019 she could not attend her advocate or Court, and therefore in her absence ex-parte order was passed. Except denying her contentions, plaintiff has not averred anything. On verification of C.I.S., it is seen that R.C.S. No. 225/2014 is pending on the file of this Court and applicant is the plaintiff in the said suit. Proposed written statement of the defendant No. 2 is also filed on record alongwith this application.

4- Accordingly, prima facie the version of defendant No. 2 appears to be genuine and based on facts. However, considering her ignorance of fact and non-appearance before

the Court though ordered, I am of the view that the said order can be set aside subject to saddling her with the cost. Accordingly following order.

**ORDER**

Application is allowed subject to cost of Rs.500/- to be payable to plaintiff.

Dt. 14.12.2021  
Jaysingpur

Sd/-  
( **Anand D. Karbhajan** )  
Jt. Civil Judge (Junior Division),  
Jaysingpur, Tal. Shirol, Dist. Kolhapur.