

MHKO070009942019



Order below Exh. 41 in R.C.S. No. 83 / 2019
Balaso Patil & oth. Vs. Suresh Neminath Padiyar & oth.

Vide this application, defendant Nos. 9 and 10 are requesting for setting aside *ex parte* order passed against them. Say of plaintiff is overleaf the application.

2- Perused application as well as record and proceeding. Heard learned Advocates for both the sides.

3- Record shows that defendant No. 9 was duly served with summons but did not caused appearance resulting into passing of *ex parte* order against him on 23.07.2019. Record further shows that defendant No. 10 appeared on 26.02.2021 but did not filed written statement till date, yet any order was not passed against him. As such, this application is to be considered as application of defendant No. 9 for setting aside *ex parte* order, and application of defendant No. 10 for setting aside No WS order which is deemed to have been passed against him owing to lapse of prescribed time.

4- Record also shows that there is not much substantial change in the hearing of the suit. The suit is for declaration, perpetual injunction and mandatory injunction. Valuable rights of parties are involved in the matter. Defendant Nos. 9 and 10 have filed on record their written statement alongwith this application. The reasons putforth for the cause are not much contested by plaintiffs. Considering the same and in order to have fair contest of the matter, I am of the view that application can be allowed subject

to saddling the costs on defendant Nos. 9 and 10. Accordingly following order.

ORDER

Application is allowed subject to cost of Rs.1000/-
(Rs. One Thousand only) each to defendant Nos.
9 and 10.

Date : 23.12.2021
Place : Jaysingpur

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