



Shivaji Gundu Kamble
Vs.
Tahasildar, Ajara

1. This is an application for setting aside “ex-parte” order. Perused the application and reply of plaintiff thereon. Heard learned advocate for both sides.

2. Defendant No.4 served with summons but, failed to appear. Therefore “ex-parte” order was passed below Exh.1 on 09.07.2024. No justifiable reason cited by defendant No.4 to explain delay. Nevertheless, considering well settled principle of natural justice that no one should be condemn unheard, I hold that, ex-parte order has to be set-aside by imposing exemplary cost. No serious prejudice will be caused to the plaintiff if written statement of defendant is taken on record. Therefore, considering facts and circumstances of the present suit, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) Order of “ex-parte” passed below Exh.1 on 09.07.2024 is set-aside subject to payment of cost of Rs.500/- (Rs. Five Hundred Only) by the defendant No. 4 to the plaintiff on or before next date.
- 3) Written statement of the defendant No.4 be taken on record on compliance of above order.

Place : Gadhinglaj
Date : 10-03-2026

(S. C. Havelikar)
Jt. CJSD, Gadhinglaj
District :- Kolhapur.