

<p>MHKO160009092023</p> 	<p><u>Order below Exh.30 in R.C.S.No.156/2023</u></p>
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1. The defendant Nos. 1 to 5,8,10 to 12 have filed this application setting-aside exparty order passed against them. Defendants stated that due to lack of legal knowledge, illiteracy and lack of important documents, they could not able to meet their learned advocate and exparty order is passed against them. Defendants pleaded that it is very important to set-aside the exparty order passed against them, otherwise they will suffer irreparable loss. Hence, they prayed to allow this application.

2. Plaintiffs filed their say on the backside of this application. Plaintiffs stated that the reasons mentioned in the application are not true and trustworthy. They have not prayed for condonation of delay or not mentioned the time for the delay. Hence, they prayed to reject this application.

3. After hearing learned advocates of both the parties and perusal of documents, this court finds that, due to lack of legal knowledge and unavailability of important documents, they could not able to meet their learned advocate and exparty order is passed against them. Plaintiff objected this application stating that the reasons mentioned in this application are not true and prayed to reject the application. The W.S. and say of the defendant is important to decide

this suit on merit. No prejudice will be caused to the plaintiff if this application is allowed, they can be compensated by money. All the disputes between both the parties need to be decided on merit. Considering all the facts, this court finds to grant this application. Hence, following order -

ORDER

1. Application Exh.14 is hereby allowed.
2. The exparty order passed against defendant Nos.1 to 5,8,10 to 12 is hereby set-aside subject to cost of Rs.400/- to the plaintiffs till next date.
3. After payment of the cost, defendant Nos. 1 to 5,8,10 to 12 can file their W.S. and say till next date.

Shahuwadi
Date : 09/07/2024

(Shraddha Dinkar Bagal)
Jt. Civil Judge, Jr. Division,
Malkapur-Shahuwadi