

MHKO190002722022



ORDER PASSED BELOW EXH.12

IN

R.C.S No.115/2022

Sanjay Govind Ghatage, etc. Vs. Pandurang Shamrao
Ghatage, etc.

(Date:09/06/2025)

Defendant Nos.1 and 4 have filed the present application for setting aside ex-parte order dated 08/06/2022 passed against them.

2. Plaintiffs have filed their say overleaf of the application and strongly opposed the application.

3. Heard both the sides. Perused the record. It appears that plaintiffs have filed present suit for the relief of partition. The subject matter of the present suit is immovable properties. The valuable rights of defendant Nos.1 and 4 are involved in it. If the suit is proceeded without evidence of defendant Nos.1 and 4, then it would cause prejudice to their rights. However, the delay caused by the defendants for filing this application should not be neglected. The reasons given by the defendants for the causing delay are not justifiable and not supported by any documentary evidence.

4. Considering the above said discussion, I am of the view that an order to proceed the suit ex-parte against defendant Nos.1 and 4 is to be set aside. For delay, costs of Rs.2000/- is to be saddled upon defendant Nos.1 and 4 each respectively. In the result, I pass following order.

- ORDER -

1. The application below Exh.12 is allowed and Ex-parte order passed against defendant Nos.1 and 4 is set aside subject to costs of Rs.2000/- each. Out of which amount of Rs.2000/- is to be given to the plaintiffs and amount of Rs.2000/- is to be given to the T.L.S.C.Radhanagari.

2. Parties to comply accordingly.

Date:09/06/2025

(R. D. Shinde)
Civil Judge Junior Division,
Radhanagari.