

MHKO190009172022



ORDER PASSED BELOW EXH.22

IN

R.C.S No.316/2022

Sushant Kundalik Devardekar V. Pradip Kundalik  
Devardekar

(Date:06/01/2025)

Defendant No.1 has filed the present application for setting aside ex-parte order dated 21/06/2023 passed against him.

2. The plaintiff has filed his say below Exh.25 and strongly opposed the application.

3. Heard both the sides. Perused the record. It appears that the plaintiff has filed present suit for the relief of partition. The subject matter of the present suit is an immovable properties. The valuable rights of defendant are involved in it. If the suit is proceeded without evidence of defendant No.1, then it would cause prejudice to his rights.

4. Considering the above said discussion, I am of the view that an order to proceed the suit ex-parte against defendant No.1 is to be set aside. For delay, costs of Rs.300/- is to be saddled upon defendant No.1. In the result, I pass following order.

**- ORDER -**

1. The application below Exh.22 is allowed and Ex-parte order passed against defendant No.1 is set aside subject to costs of Rs.300/- payable to the plaintiff on or before next date.

2. Parties to comply accordingly.

Date:06/01/2025

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