

**Order below Exh.20 in R.C.S. No.298 of 2021**

(Passed on this 29th day of April, 2023)

Mansoor & Ors. Vrs. Sadikpasha & Ors.

CNR NO.MHLA060013342021

Defendant No.04 has filed the present application for setting aside 'Exparte order' passed below Exh.01 against her dated 30.01.2023.

02. Defendant No.04 submitted that due to illness she could not remain present before Court. So she could not file her written statement on record. The Hon'ble Court has passed Exparte order below Exh.01 against defendant No.04 on 30.01.2023. Her non appearance before the Court was not intentional. Therefore, she prayed to allow the application by setting aside 'Exparte order' passed against her.

03. On the contrary, the plaintiffs have filed their say and strongly objected the present application. They prayed to reject the application with cost.

04. Heard Learned Advocates of both sides.

05. Perused the application and the record of the present suit. On perusal, it appears that suit summons were duly served upon defendant No.04 on 21.08.2021. But inspite of sufficient opportunities given to her, she failed to appear before Court. Thereafter, she appeared before Court through Adv. Shri. P.A. Kamble vide V.P.(Exh.18) on 27.03.2023. The present application came to be filed on the same day i.e. 27.03.2023. Moreover, the suit

is for declaration of ownership and perpetual injunction. Right of parties are involved in the suit property. Therefore, it would be just and proper to give opportunity to defendant No.04 to put up her case by setting aside exparte order passed against her. This would help the Court in deciding the controversy on merits. Moreover, the suit is at initial stage. Issues are yet to be framed. Hence, for this reason the application deserves to be allowed. Hence, I proceed to pass the following order.

ORDER

- 1) Application (**Exh.20**) is allowed.
- 2) 'Exparte order' passed below Exh.01 against defendant No.04 dated 30.01.2023 is hereby set aside.

(Dictated and pronounced in open Court).

Place :- Ahmedpur.
Date :- 29.04.2023.

(K. B. Gadiwale)
Jt. Civil Judge Junior Division,
(Court No.04) Ahmedpur.