



:: Order below Exh.27 CIVIL M.A.No.155/2021 ::
(Sangita Vs. Ranubai)

Perused application and say. Heard both sides.

2. Non-applicant No.1 has preferred application to set aside ex-parte order dated 26/10/2023 and to allow her to file objection contending that, she did not see the news paper Lokmat dated 05/09/2023 and therefore could not file her objection. Therefore, it is prayed that, ex-parte order passed against her be set-aside in the interest of justice.

3. Applicant objected the application and contended that, application is false. Reasons mentioned therein are false. Daily news paper Lokmat is widely circulated all over Maharashtra which reaches in every village. Non-applicant No.1 avoided the service of notice since the year 2021. In spite of residing at same address eventually proclamation was issued in the news paper dated 05/09/2023. Thereafter on 26/10/2023 ex-parte order was passed. Thereafter, evidence affidavits were filed and applicant closed her evidence. At the stage of the final argument present application has been filed. Non-applicant No.1 was having knowledge about present application as the fact of pendency of present application is mentioned in M.A.No.92/2022 in the Court of Hon'ble Civil Judge Senior Division, Udgir. As Non-applicant No.1 has avoided the service of the notice intentionally for two years, she has no right to set-aside the ex-parte order. Therefore, the same be rejected with costs.

4. Record shows that, ex-parte order is passed below Exh.1 against Non-applicant No.1 on 26/10/2023 as submitted by the applicant. Present application is for revocation of heirship certificate. Rights of the parties are involved therein. If application is allowed, application will be decided on merit. In the interest of justice, ex-parte order passed against Non-applicant No.1 needs to be set aside subject to reasonable costs and they need to be allowed to file objection. Hence, following order.

:: Order ::

- 1) Application at Exh.27 is allowed.
- 2) Exh-parte order dated 26/10/2023 passed against Non-applicant No.1 passed below Exh.1 is hereby set aside and Non-applicant No.1 is allowed to file her objection subject to cost of Rs.2,000/- (Rs. Two Thousand only) to be payable to the applicants.

Sd/-

(A. P. Kholam)

Date : 14/02/2024.

Civil Judge Junior Division, **Deoni**.

CERTIFICATE

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer	R.V.SURWASE
Name of the Court	Shri.A.P.KHOLLAM Civil Judge Jr. Division, Deoni.
Date of Dictation	14/02/2024.
Order signed by the P.O. on	14/02/2024.
Order uploaded on	14/02/2024.