

ORDER BELOW EXH.36 IN R.C.S NO.344/2023
Waman Chavhan Vs. State and others.
CNR NO.MHLA170005682023

Defendant No.5 has filed application for setting aside “Ex-parte” order passed against him on the grounds that, he was ill. Therefore, he could not appear before the Court. Therefore, he prayed, his application be allowed.

2. The plaintiff failed to file say though granted sufficient opportunity. Hence, ‘No say’ order is passed against the plaintiff.

3. Heard learned counsel for defendant No. 5. Perused the record. It reveals that, “Ex-parte” order is passed against defendant No.5 on 08/12/2022. However, defendant No. 5 failed to file medical certificate on record to show that, he was suffering from illness since the year 2022 till 22/01/2025. Mere statement of defendant No. 5 without any support of documentary evidence cannot be relied on. Still, it is necessary for just decision of the suit to allow the application defendant No. 5 subject to imposing cost for such a long delay caused to appear before the Court. Hence, I proceed to pass further order below Exh. 1.

Date :- 27/01/2026.

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.