

ORDER BELOW EXH.19 IN HMP. NO.51/2025
NIVRUTTI SAGAR V/S MUKTA SAGAR.
CNR NO.MHLA170004462025.

The respondent has filed application for setting aside *Ex-parte* order passed against her on 19/07/2023, on the grounds that she was doing service at Alandi, Pune in the year 2023. Therefore, she could not attend the matter at Mukhed as it was 500 kilometers away from Alandi, Pune. Hence, *Ex-parte* order is passed against her. If the *Ex-parte* order passed against her is not set aside it will cause loss to her her which cannot be compensated in terms of money. Thus, she prayed to allow her application.

2. Perused the say of petitioner. He has objected the application on the grounds that the respondent had file petition in the Honourable Bombay High Court, Bench at Aurangabad. Hence, she had knowledge about the *Ex-parte* order passed against her. Therefore, only to cause delay in the said proceeding the respondent has filed this application. Hence, petitioner prayed to reject the application.

3. Heard learned counsels for both the parties. Perused the record. It reveals that *Ex-parte* order is passed against the respondent on 19/07/2023. Thus, considering reasons assigned in the application, it is necessary to grant an opportunity to the respondent to file her say on record to put up her defence. Hence, in the interest of justice and just decision of the suit, the application of the respondent is liable to be allowed. Therefore, I proceed to pass further order below Exh-1.

Sd/-

Date :- 25/08/2025.

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