

**RCS No. 70/16**

**Shraddha Vs. Dilip & ors.**

**ORDER BELOW EX. 30**

(Passed on 18-7-2016)

1. The defendant No.1 moved present application for setting aside order dated 17/6/16 by contending that the suit summons was received by his wife and she went to Nagpur for residing therefore defendant No. 1 was not aware about suit summons thereafter in May 2006 he met with an accident and was admitted in hospital, at Nagpur. His wife was taking his care and in that situation, he did not tell him about receipt of suit summons. Recently he came to know about present suit and ex-parte order against him. Therefore he wants to set aside said order and file written statement in the court.

2. The counsel for plaintiff filed his say and submitted to pass suitable order. Present defendant also filed copy of discharge summary and written statement along with present application.

3. After perusal of record it appears that suit summons was duly served upon defendant No. 1 vide Ex. 6 on 21/4/16 through his wife but as he did not appear and not filed written statement within prescribed period court has passed order to proceed ex-parte against him on 17/6/16. The documents filed by present defendant show that he was admitted in the

R.N.H.Hospital, Nagpur between 11/5/16 to 27/6/16. Therefore considering his genuine reason, the order dated 17/6/16 is hereby set aside and permission is granted to file written statement on record. Hence application allowed.

Umrer.  
Dt. 18-7-2016

(Ms.V.R.Jambhule)  
Civil Judge Jr.Dn., Umrer.