

R.C.S. No. 4/2025
Hansabai @ Vimla Yadav
Vs.
Hon'ble Tahsildar & Ors.

ORDER BELOW EXH. 50
(Passed on 24.03.2026)

By the instant application, defendant No. 4 prayed for setting aside ex-parte order dated 18.08.2022 and permission to file written statement.

2. It is contended by defendant No. 4 that he is old aged person who suffered a brain stroke in May 2021 resulting in paralysis on the right side of his body. At that time, defendant No. 4 was admitted to Neuron Hospital, Nagpur. Due to his medical condition, he could not appear before this Court and was unaware of the court dates. After the brain stroke, defendant No. 4 was not in a proper mental and physical condition, rendering him unable to appear before the Court or file a written statement in the present case. Defendant No. 4 also suffered kidney infection from May to September 2022 and also suffered cataract in both eyes . Consequently, an ex-parte order was passed against him on 18.08.2022. The case is now fixed for hearing. Defendant No. 4 has a strong case on merits, and if the present application is not allowed, he will lose his opportunity to contest the matter on merits. No prejudice will be caused to the plaintiff if the said order is set aside and permission is granted to file the written statement on record. It is therefore prayed that the application be allowed.

(2)

3. The application is strongly opposed by the plaintiff by filing the say. It is contended that, the ex-parte order was passed on 18.08.2022 and since last 3 years the defendant was not appear and therefore application is liable to be rejected with costs.

4. Heard both sides. Perused the record. It appears that the ex-parte order against defendant No. 4 was passed on 18.08.2022. It is contended that defendant No. 4, due to paralysis on the right side of his body, was admitted to Neuron Hospital, Nagpur. Defendant No. 4 also suffered kidney infection from May to September 2022 and also suffered cataract in both eyes . Due to this medical condition, he could not appear before the court and was unaware of the hearing date. The plaintiff neither in the reply nor during argument on this application denied the medical condition of the defendant No. 4. Therefore, non filing of the medical documents is not fatal to defendant No. 4. Considering the nature of the relief sought against defendant No. 4, it is just and proper to set aside the ex-parte order passed below Exh. 1 and to allow him to participate in the proceedings. He has also filed his written statement along with this application. It also appears that the suit is yet not proceeded further. Hence, the ex-parte order passed against defendant No. 4 needs to be set aside. In the result, I pass the following order.

ORDER

1. The order passed below Exh. 1 is hereby set-aside and the permission is granted to file W.S. on record.

(3)

2. The defendant No. 4 is directed to expedite the matter on merits.

Date :24.03.2026.

(M.Z.A.A.Q. Quraishi)
Civil Judge, Senior Division,
Katol.

(4)

CERTIFICATE

I affirm that contents of this P.D.F. File of order are word to word,
as per original order.

Name of Stenographer : P. T. Mandale (Grade-II)
attached to Civil Judge Sr. Dn. Katol.