

**HMP No. 126/2025**  
Roshan Dakhane Vs. Kajal Dakhane

**ORDER BELOW EXH. 9**  
(Passed on 04.02.2026)

The respondent has filed this application for setting aside 'ex-parte order' passed on 15.12.2025.

2. It is contended that, the respondent was absent before the court on 01.12.2025. Therefore, the court has passed ex-parte order on Exh. 1. After receiving the notice, the respondent showed the notice of the said case to her Advocate on 20.01.2026. It was incumbent on the part of the respondent to remain present, but she could not remain present. Hence, it is urged to set-aside the order and to decide the matter on merits.

3. The petitioner opposed the application by filing the reply vide Exh. 10. It is contended that, if the application is allowed, heavy costs may be imposed.

4. Heard the learned counsel for both parties. The record shows that the report on notice at Exh. 6 confirms that notice was duly served on the respondent personally. However, the respondent failed to appear in the proceedings. It appears that the respondent has filed her reply along-with the instant application. Further, there is no long delay from the side of the respondent. To have an opportunity to the respondent, considering the valuable right of being heard and in order to meet ends of justice, it is just and desirable to allow the respondent to participate in the proceedings. Hence, in the result, I

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pass the following order.

**ORDER**

1. The application is allowed.
2. Ex-parte order passed on dated 15.12.2025 against the respondent is hereby set aside.

Date : 04.02.2026

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

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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)