

MHNS160010372023



R.C.S./149/2023

**Chandrasekhar Hanumant Navale Vs. Rajendrakumar Hanumant Navale**  
**ORDER BELOW EXH. 30.**

1] The present application is filed by defendant No.2 and 3 for setting aside ex-party order and permission to file written statement on record. Plaintiff has filed his say. Heard.

2] It is the contention of the defendant No.2 and 3 that though the suit summons served vide Exh. 11 on 20.09.2023 and 12 on 23.09.2023 but they failed to appear and therefore ex-party order was passed against defendant on 14/07/2025. The present application is filed on 31.07.2025. It is the contention of the defendant that, due to some unavoidable circumstances they unable to appear and file their Written statement on record. The defendant therefore filed the present application for setting aside ex-party order and permission to take their Written Statement on record. The counsel for plaintiff objected the application and prayed for heavy costs.

3] It is appeared that, though the defendant is served but failed to appear and failed to file their written statement on record and there is delay for two years. The suit is for partition and separate possession and therefore in order to decide the suit on merit an opportunity required to be given to the defendants to file their written statement on record on payment of costs to the plaintiff. Hence following order :

**ORDER**

Application Exh.30 is allowed. The ex-parte order passed against defendant No. 2 and 3 is set aside subject to payment of costs. The Defendant No. 2 and 3 to pay cost of ₹2000/- to the plaintiff and Rs.500/- to TLSC, Chandwad on next date without fail. Only After payment of cost ex-party order set aside and their written statement be taken on record. Failure on the part of defendant to pay the costs within stipulated time above then matter will proceed further. Concern to take note.

Date:-29/09/2025

**(S.S.CHHALLANI)**  
**Civil Judge J. D.,**  
**Chandwad.**