

Civil M.A. No.223/2023

**Mina @ Minabai Padmakar Kavathe and
others**

- Versus -

Sunita Sanjay Shinde and others.

CNR No.-MHOS07-0014122023

ORDER BELOW EXHIBIT 19

1. This is an application filed by the defendants for setting aside the ' Ex-parte' order passed against them.
2. It is the contention of the defendants that, the non-applicant no.1 is a widow and the non-applicant no. 2 is physically handicapped. The non applicants are minor. Due to the above mentioned reasons the non applicants could not remain present before the court. Hence the ex-parte order was passed against the non-applicants. Therefore, they prayed to allow the application.
3. The applicants have filed their say to the present application and contented that the present application is filed by the non-applicants only to delay the matter. The reasons mentioned in the application is not correct. Hence prayed for the rejection of the application. Lastly they submitted that heavy cost may be imposed upon the non applicants.
4. Heard both the parties. Perused the record and proceedings.
5. The present application is filed by the applicants for the revocation of heirship certificate. The summons to the non-applicants is served and they did not appear in this application. However, in the instant matter rights of both the parties are involved. Hence, in order to decide the matter on merit it is necessary to give an opportunity of being heard to

the non-applicants also. No harm will be caused to the applicants if the present application is allowed. Hence, I proceed to pass the following order.

O R D E R

- 1) The application Exh.19 is allowed subject to the costs of Rs.1000/- (Rs.One Thousand only) to be paid to the applicants by the non-applicant no.1 to 5.
- 2) The "Ex-parte order" passed against the non applicant No. 1 to 5 is set-aside after payment of costs.

Date : 21-06-2024

Sd/-
(Smt.M.P. Mathure)
3rd Jt. Civil Judge, J.D., Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	---	S. B. Sagar
Court	---	3 Rd Jt.C.J.J.D. & J.M.F.C. Omerga.
Date	---	21-06-2024
Order signed by the Presiding Officer on	---	21-06-2024
Order uploaded on	---	21-06-2024