



Reg. Civil suit No. 2/2011.
Venubai V/s. Shyamrao & Ors.

Order below Exh.46.

Defendant No. 3 has filed the present application for setting aside the 'Ex-parte' order passed against him.

2) Heard Ld. counsel for defendant No. 3 Shri. S. N. Kawale and Ld. counsel for plaintiffs Shri. V. V. Undare.

3) Perused the application, say and record.

4) The record of the present case discloses that suit summons was served to defendant No. 3 by way of paper publication published in daily Prabhat newspaper on 18/11/2019. Despite that he has failed to appear before the Court and filed his written statement within stipulated period. Therefore, my Ld. Predecessor, on 28/01/2020 'Ex-parte' order passed against him.

5) The Ld. counsel for defendant No. 3 Shri. V. V. Undare vehemently submitted that, from many years he is residing at Bhugaon, Tq. Mulshi, Dist. Thane for earning. Daily Prabhat newspaper is not daily available at that vicinity. Hence, he had no knowledge about the present suit. On 08/09/2022 he got knowledge about the suit from relatives. Hence, he failed to file his Written Statement. It is necessary to mention here that the present suit is for declaration of ownership and cancellation of sale-deed. Therefore, to decide the matter on merit and to have fair opportunity and in the interest of natural justice it is proper to set aside the 'Ex-parte' order

passed against him. The application is supported by the written statement. Thus, in the interest of justice and to have fair trial, I proceed to pass the following order.

ORDER

1. Application is allowed subject to costs of Rs. 500/- to the payable to the plaintiff on or before next date.
2. The written statement be read and recorded on payment of costs.

Date : 04/04/2026.

(Smt. M. V. Patil-Rathode)
Civil Judge, J.D., Washi.

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	---	A.M. Wagh, Stenographer, (Grade-III)
Name of the Court	---	C.J.J.D. & J.M.F.C. Court, Washi, Tal.Washi, Dist.Dharashiv
Date of order	---	04/04/2026
Order signed by the presiding officer on	---	04/04/2026
Order uploaded on	---	06/04/2026