

MHPU180034862023



PWDVA No. 03/2025.

Ashwini

Vs.

Suraj & Ors.

ORDER BELOW EXH.11.

(Passed on 21/06/2025)

In the present application, Respondent Nos. 1 and 3 have prayed before this Court to set aside the Ex-party order passed below the Application dated 15/02/2025. The Applicant has strongly opposed this application by filing a counter say.

2. Heard both parties and perused the record, including the the application and say the relevant documents. From the available record, it is evident that the impugned order dated 15/02/2025 was passed against Respondent Nos. 1 and 3. However, the contention of the Respondents is that they had appeared in the present proceedings on 24/01/2025. The record further reveals that, an application had been filed by the Respondents on 24/01/2025 through the e-filing system, and their appearance is noted therein. Both parties have advanced arguments mainly on technical grounds. Upon consideration of the record, it appears that the Respondents did, in fact, appear in the proceedings on 24/01/2025. Nonetheless, the order dated 15/02/2025 came to be passed thereafter. To finally and conclusively adjudicate the controversy between the parties on merits, and in the interest of justice, it would be appropriate to permit the Respondents to appear and participate in the proceedings. Although the impugned order was duly passed, it is

legally permissible to set it aside by imposing an appropriate costs on the Respondents. In view of the reasons stated in the application and based on the e-filing record (Rojnama), I am of the opinion that the order dated 15/02/2025 deserves to be set aside, subject to payment of costs of Rs. 300/- by the Respondents to the Applicant. Hence, the following order is passed:

ORDER

1. The application below Exhibit 11 is allowed, subject to payment of costs of Rs. 300/- to the Applicant by the Respondents, on or before the next date of hearing.
2. Upon compliance with the above condition, the order dated 15/02/2025 shall stand set aside.
3. Both parties are directed to take due note of this order and act accordingly.

Date: 21/06/2025.

(A. S. Shaikh)
Judicial Magistrate, F.C.
(Court No.4), Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (Sharad B. Kaldate) 2 nd Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 2) Daund.
Order / Judgment date	:- 21/06/2025.
Order / Judgment singed by	:- 21/06/2025.
the Presiding Officer on	
Order/ Judgment uploaded on :-	21/06/2025.