



Regular Civil Suit No.37/2021

Smt. Vatsala alias Deepali Deepak Bundhate

Vs.

Smt. Champa Yoga Narsihan & Ors.

ORDER BELOW EXHIBIT 26

This is an application filed by defendant No.1 under Order 9 Rule 7 of C.P.C. for setting-aside ex-parte order.

02. The defendant has submitted that, she never resided at the address which is mentioned in this suit. The suit summons was served on wrong address. Therefore, she could not appear within time. Hence, my learned predecessor has passed the order below Exh.1 dated 23/11/2021 and suit proceeded ex-parte against her. The defendant is residing at Bangalore after her marriage. The suit summons has not been properly served to her. If the application is not allowed, then she will suffer irreparable loss. Hence, prayed to allow the application.

03. The learned advocate for plaintiff has filed his say at Exh.28 and submitted that, contents of the application are not true and correct. The defendant has served the suit summons but she has not accepted the suit summons. She has full knowledge of court work. There is delay of 1 year to file this application. Hence, prayed to reject the application. If the application is allowed, the costs of Rs.5,000/- be imposed on defendant.

04. Perused the application and say. Perused the record of the case. For the purpose of deciding the real controversy between parties, it is necessary to have the written statement of defendant on record. This Court has passed the order below Exh.24 and delay is condoned subject to costs of Rs.500/- to be paid to the plaintiff. Considering reasons as stated in the application, the application deserves to be allowed. No prejudice will be caused to the plaintiff, if the application is allowed. Hence, I proceed to pass following order :

ORDER

- 1) The application is allowed.
- 2) The ex-parte order dated 23/11/2021 passed against defendant No.1 will be set-aside on payment of costs which is mentioned in order below Exh.24 to be paid to the plaintiff on or before next date.

Place – Karjat
Date - 14/10/2024

(Smt. A. S. Wadkar)
Civil Judge, J.D., Karjat,
District - Raigad