

**Order below Exh.94 in R.C.S. No.70/2016**

Perused the application filed by defendant No.6 and say filed on it.

02. It is the contention of defendant that he was not served with suit summons, therefore, he cannot appear through advocate. Hence, this Court has passed ex-parte order on 26/09/2016 against defendant No.6. Hence, it is prayed that ex-parte order dated 26/09/2016 passed against the defendant No.6 be set aside.

03. The plaintiff has filed her say and submitted that after 9 years, defendant No.6 has filed this application. No specific reason mentioned in the application about delay. Hence, prayed to reject the application.

04. Perused the record and proceeding. After perusing the record and bailiff report, it reveals that suit summons was served to defendant and his son has accepted it, but defendant has failed to appear. Hence my learned predecessor has passed “ex-parte order” against defendant No.6 on 26/09/2016. Thereafter, defendant No.6 has appeared and filed the present application on 01/02/2025. The application is supported by the affidavit. The suit involves the valuable rights of the parties. Sufficient opportunity is required to be given to the parties to defend their case. From perusal of roznama, it appears that, there is huge delay to file the written statement. Considering these facts and considering the reasons and the nature of the suit, it would be just and

proper to allow the present application as it will not cause any prejudice to plaintiffs. However, considering the delay for filing written statement, it would be just and proper to saddle defendant with costs. Considering this, I pass the following order.

**ORDER**

1] Application at Exh.94 is allowed subject to payment of cost of Rs.5000/- (Rs. Five thousand) to be paid to the plaintiff by defendant No.6.

2] Ex-parte order dated 26/09/2016 passed against defendant No.6 will be set aside after payment of cost mentioned as above.

Date : 15/09/2025

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