

MHRG080005952024

R.C.S. NO. 26/2024



(Ramesh Garude & Others

Vs.

Claridges SEZ Developers & Others)

ORDER BELOW EXH. 37

1] Perused the application and say. Heard Ld. Advocate for both parties. This is the application filed by defendant no.1 for setting aside ex-party order passed against him.

2] This suit is filed by the plaintiffs for declaration and permanent injunction. As per defendant no.1, the suit summons served on him on 04/05/2024 through his watchman. However watchman failed to inform about it to defendant no.1 and therefore defendant no.1 failed to appear and ex-party order was passed against him. Hence he prayed for setting aside ex-party order.

3] Plaintiffs filed their say and strongly opposed application by contending that defendant no.1 failed to mention proper reason and hence prayed for rejection of application.

4] Perusal of record shows that summons served on defendant no.1 on 04/05/2024 and ex-party order was passed on 12/06/2024. It is contended by defendant no.1 that summons served on him through the watchman. Perusal of record also shows that the summons served on defendant no.1 through some other person responsible for defendant no.1. Hence the reason mentioned by defendant no.1 that said person failed to inform

him can be a possible reason. Hence ex-party order passed against defendant no.1 is hereby set aside subject to payment of cost Rs. 500/- payable to TLSA Khalapur.

Place:-Khalapur.

Date:- **20-09-2024**

(R. Y. Khandare)

Civil Judge, Jr. Div., Khalapur.