

**Ajay Chavhan Vs.  
Balkrushna Shinde & Ors**

**ORDER BELOW EXHIBIT 20 IN RCS NO. 173/2017  
(Decided on 02/08/2018)**

The defendant Nos. 1,2 and 4 presented this application for setting aside Ex-parte order passed against them on 18/04/2018. Perused the application and say of the plaintiff. Heard both the parties.

02. The defendants submitted that they had appeared before this court but they could not contact with their advocate. They submitted that they could not get the necessary documents on time therefore they failed to appear before this court. Hence, they prayed for allowing this application.

03. The plaintiff filed his say and raised strong objection against the application.

04. I have gone through the proceedings of the matter. Present suit is filed against the defendants for declaration and perpetual injunction. The plaintiff asked remedy against these defendants. Therefore, it is necessary to give an opportunity to these defendants to file their written statement. If the opportunity is not given to them it will cause prejudice to them. No effective adjudication can be made without hearing the contention of the defendants. Therefore, in my view the Ex-parte order passed against these defendants needs to be set aside. As far as delay is concerned the grounds shown in the application seems genuine but the plaintiff is required to be saddled with reasonable cost. In the light of above

discussion I pass the following order.

**ORDER**

Application is allowed.

' Ex-partee' order passed against the defendant Nos.1, 2 and 4 on 18/04/2018 is hereby set aside subject to cost of Rs. 300/- (Rupees Three hundred only) to be paid to the plaintiffs collectively on or before the next date.

After payment of costs the written statement shall be taken on record.

Mangaon.

Date:- 02/08/2018

**(G.S. Hange)**

Civil Judge J.D. Mangaon.