

**ORDER BELOW EXH. 62 IN REGULAR CIVIL APPEAL NO.5/2022**  
**(CNR NO.:- MHRT040000392022)**  
**(Prakash Narayan Shinde Vs. Jagannath Babaji Shinde & Ors.)**

The present application is filed by respondent no.5 namely Babu Bapu Shinde for setting aside ex parte order passed against him on 13.02.2024. It is contented that respondent no.5 is residing at Pune and due to his personal difficulty, he could not attend the Court and filed say and therefore, ex parte order was passed against him on 13.02.2024. Therefore, prayed to allow the application. The appellant filed say on the application and objected the same.

2. Heard. Notices of present proceeding has been duly served on respondent no.5 vide Exh.10. However, despite sufficient opportunity respondent no.5 failed to appeared in the matter and therefore, ex parte order passed against him on 13.02.2024. Reason mentioned in the application is not justified. However, it is necessary to provide fair opportunity to the respondents in the interest of justice. No doubt he was non due diligent but fair chance needs to be granted. Valuable rights of the parties are going to be decided in the proceeding. Therefore, if application is not allowed the respondent will suffer irreparable loss. Hence, present application deserves to be allowed in the interest of justice. Thus, following order:-

**ORDER**

1. Application is allowed.
2. Ex parte order is hereby set aside.

**Khed.**  
**Date-05.11.2025.**

**sd/-**  
**(V.T. Nirgude)**  
**District Judge – 2, Khed.**

Certificate

I affirm that the contents of this pdf file order are same word as per original order.

Name of Stenographer : S.K.Inamdar

Court Name : District Judge 2, Khed.

Date of Decision : 05.11.2025

Order Signed by P.O. on : 05.11.2025

Order uploaded on : 06.11.2025