

MHRT040001622024

Order below exh.16 in RCA No.12/2024

Hasham Rukuddin Tikale (dead) etc.4 ---Appellants
Versus
Mahammadamin Babmiya Mukadam etc.13 ---Opponents

1. The Opponent No.12 preferred application to set aside exparte order passed against him. It is submitted that it is necessary to set aside said order in the interest of justice. Father of the Opponent No.12 was suffering from heart disease and he is dead. Due to this reason, the Opponent No.12 cannot attend Court. He has not made any deliberate act of remaining absent. If exparte order is not set aside the Opponent No.12 will suffer irreparable loss which cannot be compensated in terms of money. It is prayed to set aside ex parte order.

2. The Respondent resisted the application by filing say on it. It is contended that the Opponent No.12 is with appellant and he has deliberately obtained exparte order due to which the appeal may get prolonged. Hence his application may be rejected.

3. Heard Ld. Advocates of both parties. The application is preferred on 16-04-2025. The Court has passed ex parte order against Opponent No.12. The Opponent No.12 has satisfactorily

explained reason for not appearing in the proceeding within the time. The original suit RCS No. 29/2012 for declaration of title and cancellation of sale deed dated 23-01-2004. on the date of exparte order he could not attend the Court due to heart disease of his father. The appellant and other respondents will not be prejudiced if opportunity of hearing is given to Opponent No.12. The Opponent No.12 will suffer irreparable loss if exparte order against him is not set aside. So in the interest of justice I pass following order.

ORDER

- 1 Application is allowed.
- 2 Exparte order against Opponent No.12 is hereby set aside.

Date :- 16.07.2025

(P. S. Chandgude)
District Judge-1, Khed.

CERTIFICATE

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

Name of Stenographer	:	Mr.A.B.Makhar, Senior clerk
Court Name	:	District Judge-1, Khed, Tal.Khed, Dist. Ratnagiri
Order dictated by P.O.on	:	16.07.2025
Judgment/Order signed by Presiding Officer on	:	16.07.2025
Judgment/Order uploaded on	:	01.08.2025