

ORDER BELOW EXH.35 IN REGULAR CIVIL APPEAL NO.14/2026

(CNR NO: MHRT040002022026)

**(Manohar Mansing Bhosale (Deceased) Vs. Manjula Shashikant
Chavan & Ors.)**

1. The present application is filed by respondent no.1 for setting the ex parte order passed against her on 24.06.2026. It is contended that the notice is not personally served on respondent no.1. Due to residing at Chiplun for medical treatment/reason and non service of notice, she was unaware about the date of hearing. Due to leg operation, she could not attend the court. There is no any negligent on part of respondent no.1. If the application is not allowed, irreparable loss would be caused to respondent. Hence, prayed to allow the application

2. Appellants resisted the application by filing say at Exh.37 stating that no proper reason is mentioned. No medical certificate is produced along-with application. The notice is duly served on respondent no.1 through bailiff on 09.06.2026 as per Exh.21. No say filed along-with application. Hence, prayed to reject the application with costs.

3. Heard. Perused the application and say. On perusal of record it shows that the notice was served on respondent no.1 on 19.06.2026 and as despite opportunity he failed to appear, hence ex parte order was passed against him on 24.06.2026. However, it is necessary to provide fair opportunity to resist execution as per law. No doubt she was non due diligent but fair chance needs to be

granted. Hence, present application deserves to be allowed. Thus,
following order:-

ORDER

1. Application is allowed.
2. Costs in cause.

Khed.
Date-31/07/2026.

sd/-
(V. G. Patil)
District Judge – 1, 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, Stenographer-II

Court Name : District Judge 1, Khed.

Date of Decision : 31.07.2026

Order Signed by P.O. on : 31.07.2026

Order uploaded on : 31.07.2026