



Order Below Exh.10 in
Civil Misc. Appln. No 31/2023

Mr Govekar, Ld advocate for the opponent No 1B submits that application Exh 10 is filed for setting aside ex parte order passed on 03.04.2024 in the CMA No 31/2023. The CMA No 31/2023 filed for condonation of delay of about 9 years.

2. Mr Govekar, submits that the ex parte order needs to be set aside. The applicant in Exh 10 is a fisherman. At the time of service of notice he was in ship.

3. Mr Govekar, submits that the applicant in application Exh 10 wants to defend himself in the delay condonation application in earnest. He submits that the ex parte order may be set aside. Mr M B Sukali, Ld advocate for the applicant in CMA No 31/2023 submits that the reason given in application Exh 10 is not too convincing. He submits that the application needs to be dismissed. After hearing both Ld advocates for a while, both Ld advocates came to conclusion that the application can be allowed on some cost with conference of both Ld advocates, cost is fixed at Rs.500/-.

ORDER

1. Application Exh 10 is allowed on following conditions. The opponent No 1B shall pay the cost of Rs.500/- to the applicant in CMA No 31/2023 on or before 22.08.2025, failing which the cost of Rs.10/-

per day shall be imposed.

2. After the payment of cost as aforesaid, the order below Exh 10 shall become absolute.
3. Application Exh 10 is disposed of with aforesaid directions.

Date: 13.08.2025

Place: Oros

(Dr Sudhiir M Deshpande)

Principal District Judge

Sindhudurg at Oros

All concerned to act upon digitally signed uploaded copy of this order, the printout of which can be verified from the official website of this court. In this regard attention of all concerned is invited to the authority of the Hon'ble High Court of Bombay (Bench at Aurangabad) **Shital Krushna Dhake v. Krushna Dhake**, MANU/MH0285/2018.