

**Order below Exh.56 in R.C.S.No.86/2016****[ Subhash Gawade v/s. Shantabai Gawade & Ors.]****[CNR-MHSN090005232016]**

The present application is filed by defendant no.2 and 3 for setting aside Ex-parte order passed against them.

2. By filing present application it is submitted by the defendants that, the defendant no.2 and 3 are serving in Police department at different places, therefore, they could not appear and filed their written statement in the present. Therefore, now the ex-parte order against them may be set aside.

3. On the other hand the Ld.Advocate for the plaintiff filed his say and submitted that, the reason mentioned in the application is false and frivolous. The defendant no.2 and 3 intentionally in order prolong the matter did not appear in the present matter. Therefore, application may be rejected. Alternatively it is prayed that, if the Court comes to the conclusion to allow the present application, it may be allowed with heavy costs.

4. Heard both sides. Perused record. After perusal of record it is seen that the summons is duly served to defendant no.2 and 3 but they did not appeared. Therefore, ex-parte order passed against them on 18.09.2017. The reason mentioned in the application is not just and proper. But, considering the nature of suit, it is necessary to give an opportunity to defendant no.2 and 3 to contest the present suit. Hence, considering these reasons, I proceed to pass following order.

**ORDER**

1. Application is allowed subject to costs of Rs.1,000/- ( Rs.One Thousand only).
2. Out of amount of costs Rs.500/- (Rs.Five Hundred Only) be given to the plaintiff and remaining amount of Rs.500/- (Rs.Five Hundred Only) be credited to Government.

Sd/-29.10.21

**TASGAON.**

Date : 29.10.2021

**(Omprakash M.Mali)  
Joint Civil Judge Jr.Dn.,  
TASGAON.**

I affirm that, the contents of this P.D.F. file are same, word to word, as per the original order.

Name of the Stenographer : U.P.Patil  
Court : Jt.Civil Judge Jr.Dn. and  
Judicial Magistrate F.C.,  
Tasgaon.  
Date : 29.10.2021  
Order signed by the  
Presiding officer on : 29.10.2021  
Order uploaded on : 30.10.2021