

MHSN090010312024



R.C.S.No.172/2024
Sonabai V/s. Dagadu etc.5

ORDER BELOW EXH.22

This is an application moved by the defendant No.2/1 to set aside 'Ex-parte' order passed against him.

2. The defendant No.2/1 contended that, he accepted summons and notices of the suit. Due to his personal problems, he was out of town and therefore, he could not appear before the court. Hence, 'Ex-parte' order was passed against him. Hence, this application.

3. Perused the say filed by the plaintiff at (Exh.24). The plaintiff contended that, she has no objection to allow the application. Hence, the application may be allowed.

4. I have heard learned advocates for both sides.

5. I have perused the application and say filed by the plaintiff (Exh.24). The defendant No.2/1 failed to appear before court despite of service of summons and notices. The application is supported by an affidavit stating therein the reason for delay. It appears that, the defendant No.2/1 had sufficient cause which prevented him from appearing before the court.

6. The suit is filed for partition and separate possession. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the application to

set aside 'Ex-parte' order passed against the defendant No.2/1. The delay caused to appear before the court by the defendant No.2/1 can be compensated in terms of money. Hence, it is proper to impose costs upon the defendant No.2/1. Hence, I pass the following order -

ORDER

1. The application is allowed.
2. 'Ex-parte' order is set aside against the defendant No.2/1 subject to cost of Rs.500/- paid by the defendant No.2/1 to the plaintiff.

Place - Tasgaon
Date – 09.07.2026

(Smt. B. R.Avachari Durgawade)
C.J.J.D, Tasgaon

Certificate

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

Name of Stenographer	: Mr. M.A.Narale
Name of Court	: C.J.J.D. & J.M.F.C., Tasgaon.
Date of publish	: 09.07.2026
Judgment Signed by the P.O. on	: 09.07.2026
Judgment Uploaded on	: 09.07.2026