

Order passed below Exh.15 in Cri.M.A No.216/2018.
(Sou.Parvati Dilip Malme Vs. Dilip Gunda Malme etc.2)
(CNR-MHSN090011452018)

1. Present application is filed by Opponent No.1 for setting aside Ex-parte order passed against him on 29.12.2018. It is the contention of the opponent that notice of this matter was received by the opponent on 29.12.2018 and on that day itself ex-parte order was passed against him. Opponent No.1 is the illiterate person and having no knowledge of law. Therefore, opponent has not able to appoint counsel and to give necessary information to his learned advocate for filing say within limitation. It is contentions of the Opponent No.1 that if present application is allowed, then no any irreparable loss will be caused to the applicant.

2. By filing say at Exh.17 applicant has objected this application on the ground that reason given in the application are totally false, in order to cause delay in the present case, opponent has filed present application at belated stage, hence it be rejected with costs.

3. Read application and Say. Heard both side. Perused record. Applicant has filed original petition for claiming various reliefs under Prevention of Domestic Violence against woman Act 2005. She also claimed interim maintenance from opponent No.1. Having regard to the nature of application, reliefs and grounds mentioned in the application and in this application, which found to be satisfactory one, opportunity needs to be given to the Opponent No.1 for appearance and filing his say and deciding the application on merit. In the interest of justice present application deserves to be allowed. Accordingly, I proceed to pass following order -

ORDER

- 1 Application stands allowed.
- 2 Ex-parte order passed against Opponent No.1 is hereby set aside.

(Dictated and Pronounced in open court)

Tasgaon.
Dt.18.01.2019

Sd/-xxx
I/c 2nd Jt.Civil Judge Jr.Dn. and J.M.F.C.
Tasgaon.