

Order below Exh.20 in RCS No.127/2024:-

01. Perused application filed by defendant no.1 to 4 for setting aside ex-parte order along with affidavit of defendant no.1. The plaintiff filed say at Exh.26 and resisted the present application.

02. On perusal of roznama, it is seen that summons was duly served on defendant nos.1 to 4 but they remained absent on the day fixed for their appearance. However, ex-parte order was not passed below Exh.1 against defendant nos.1 to 4. Now, defendant nos.1 to 4 filed present application on 17-09-2025 for setting aside ex-parte order along with affidavit. Rights of both parties regarding immovable properties are involved in present case. Defendant nos.1 to 4 stated that the act of non-appearance on the day fixed for their appearance was not deliberate. However, delay at the hands of defendant nos.1 to 4 in appearance and in filing written statement seems to have caused delay to the proceeding of present suit. The delay can be condoned by imposing costs. Hence, in view of aforesaid discussion, I am inclined to allow the present application in the interest of justice subject to payment of costs payable to the plaintiff. Therefore, I pass following order-

i) Application at Exh.20 is allowed subject to costs of Rs.200/- payable to the plaintiff and delay in filing written statement of defendant nos.1 to 4 stands condoned on payment of costs.

ii) Written Statement of defendant nos.1 to 4 be taken on record after payment of costs.

Place: Kadegaon

Date:03-11-2025

(Smt.Madhavi R. Patkar)
Civil Judge (J.D.) Kadegaon