

Dhanaji Anna Sathe
Vs.
Dattatraya Khanderao More

ORDER BELOW EXHIBIT 19 IN
Spl.C.S. No. 29/2024
(Order dated 26.06.2025)

This application is preferred by the defendant for setting aside Ex-parte order dated 25.07.2024 passed against him. It is the contention of the defendant in the application that defendant is residing out of station for business purpose and he was ill, therefore, he could not attend the Court on 03.07.2024. Therefore, Ex-parte order came to be passed against him. The defendant further contended that in the interest of justice it is necessary to set aside the same order and if the order is not set aside then defendant will suffer irreparable loss. It is further contention of the defendant that if he is permitted to file WS, then it will help to decide the matter on merit. Hence, defendant prayed to allow the application.

2. Plaintiff filed say below the application at Exh. 21 and submitted that defendant no. 10 was served on 03.07.2024. Thereafter, the Ex-parte order was passed against the defendant on 25.07.2024. The present application is preferred by the defendant on 07.01.2025. The defendant appeared in the Court after six months and the reason stated in the application is false one. Further no any documentary evidence is annexed to show that defendant was suffering from illness. The vague application is preferred by the defendant, hence, plaintiff prayed to reject the application with

heavy costs.

3. Heard both sides. Perused the record of the case. Certainly there is delay of 5 months for preferring this application for setting aside Ex-parte order. I am of the opinion that the delay is not huge one and the application can be allowed subject to reasonable costs and plaintiff can be compensated for the delay caused by the defendant. Further in order to decide the matter on merit and to give an opportunity to the defendant to contest the matter, I proceed to pass following order :-

ORDER

Application is allowed subject to costs of Rs. 700/- to be paid to the plaintiff till next date.

Vita.
Date:- 26.06.2025

(Avinash R. Malvade)
Civil Judge Senior Division, Vita.