

ORDER BELOW EXH.32

IN

R.C.S.No. 89 of 2021

(CNR No.MHSO06-0009592021)

(IA No.3/2022)

1] This is an application to set aside the ex-parte order against the defendant No.5.

2] Perused the application and say.

3] Heard both the learned advocates.

4] Perused the record.

5] The ex-parte order is passed against defendant No.5 on last date only. It is submitted by the defendant that said order be set aside.

6] The application is challenged as not maintainable, as it is filed without any supporting affidavit.

7] In the present matter ex-parte order is passed only before few days on the last date itself. Vakaltnama of defendant No.5 is filed. Hence, his learned advocate can appear and file such an application in the Court. Merely on the technical ground that it is not supported by an affidavit, or the defendant No.5 personally did not sign it, the application cannot be rejected, especially when the ex-parte order is passed just before few days. So also, the status quo order has been passed in the present matter in favour of plaintiffs and written statement is filed along with application for defendants No.3 to 5 jointly. Hence, ex-parte order deserves to be set aside, subject to costs. Hence, following order is passed.

ORDER

The application is allowed subject to costs of
Rs.300/- to plaintiffs.

Pandharpur
Date:-25.02.2022

Civil Judge Senior Division,
Pandharpur

CERTIFICATE

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

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 25-02-2022

Order/Judgment signed
by the Presiding Officer on : 25-02-2022

Order uploaded on : 02-03-2022