

MH50070000432025



ORDER ON EXH. 27 IN R.C.S. No. 55/2025
(Passed on 10th December 2025)

1. This application is filed by defendant No.2 to set-aside 'No say' and 'Ex-parte' order passed against him. The plaintiff has filed say on the same application. Heard advocates for both sides. Perused the record.

2. It is submitted by the defendant No.2 that he could not get important documents related to the suit within time. The defendant No.2 being Principal of college, has heavy work load. Therefore, he could not file written statement within time in the suit. In the present suit rights of defendant No.2 are involved. Thus he prayed to condone the delay and to set-aside 'no say' and 'no written statement' order passed against him. The plaintiff who has filed this suit seeking declaration about his reinstatement in the defendant No.1 institute, the defendant No.2 is its Principal. Thus, plaintiff's right are involved in the subject matter. The reason mentioned by defendant No.2 is reasonable. However, to decide matter on merit, his written statement may be taken on record. Defendant No.2 has wasted time in order to affect the right of plaintiff.

3. After perusal of the record it can be seen that, the defendant No.2 is served with the summons on 25.02.2025 vide Exh. 11 and 12. Thereafter he failed to appear. Thus, by order

dated 19.06.2025 passed below Exh.1, suit is proceeded ex-parte against him. Present application is filed on 27.11.2025. The maximum permissible time period for filing written statement expired on 24.05.2025. This date being in summer vacation, the defendant No.2 was required to file written statement on the opening day i.e. 09.06.2025. Thus there is delay of 06 months 03 days. Alongwith the application the written statement is filed. Application is supported with affidavit.

4. Present suit is filed by the plaintiff for declaration in respect of legality of his appointment in the institute of defendants No.1 and 2. Mandatory injunction is also sought against defendants No. 1 and 2. Therefore, presence of defendant No.2 in the suit is necessary. He is authoritative person in defendant NO.1 education society. Thus, his defence will help to decide the suit finally and on merit. Though there is delay, the plaintiff has not objected the application of defendant No.2. Hence, it is not necessary to award costs to defendant No.2. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.27) is allowed.
2. 'Ex-parte' order in respect of defendant No.2 dated 19.06.2025 is set-aside on or before next date.
3. No order as to costs.

Pandharpur.
Date : 10.12.2025.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

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

Name of Stenographer	:- D.S.Landage (Grade-III)
Court	:- Jt. Civil Court,J.D., Pandharpur.
Date	:- 10.12.2025.
Judgment/Order signed by the Presiding Officer	:- 10.12.2025.
Judgment/Order uploaded on	:- 10.12.2025.