

MHSO070002972025 	<u>ORDER ON EXH. 16 IN R.C.S. No. 277/2025</u> <u>(Passed on 23rd June 2026)</u>
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1. This application is filed by defendant No.1 to set-aside 'Ex-parte' order passed against him. The plaintiff has filed say thereon. Heard advocates for both sides. Perused the record.
2. It is submitted by the defendant No.1 that summons was served on him on 30.07.2025. He has not obtained necessary documents within time. Moreover, due to his physical ailment and family difficulties he could not contact his Advocate. He failed to appear and file written statement within time and on 25.11.2025 'ex-parte' order was passed against him. He prayed to allow application as his valuable rights are involved in the suit property.
3. The plaintiff objected the application by stating that application is false and frivolous. The reasons stated in the applications are not correct and reasonable. Hence, he prayed to impose heavy cost, if application is allowed.
4. In the present suit the summons was served to the defendant No.1 on 30.07.2025 vide bailiff report Exh.06. However, after service of summon the defendant failed to appear and contest the suit. Therefore, on 25.11.2025 the 'ex-parte' order was passed against the defendant No.1. Alongwith the application the written statement is filed. Application is supported with affidavit. The plaintiff has not taken any considerable objection.

5. The prominent reasons mentioned by the defendant No.1 for delay is that he could not obtain necessary documents, he is suffering from physical ailment and has family difficulties. Therefore, he could not appear and file written statement within time. The summons was issued and the defendant was duly served. However, he choose not to appear and suit was proceeded ex-parte against him. However, at present the plaintiff has led evidence. Present suit is filed for declaration and perpetual injunction against defendant. Thus, rights of defendant are involved in the dispute. By allowing the defendant to contest the proceeding, it will help to adjudicate the dispute finally. It will prevent multiplicity of the proceeding. Thus, to adjudicate the present suit finally and to avoid complexity in the proceeding, it will be appropriate to set-aside ex-parte order passed against defendant. However, defendant has protracted the proceeding by appearing at such belated stage. To avail him opportunity, the plaintiff is going to suffer. Thus, for setting-aside ex-parte order costs needs to be imposed upon defendant No.1. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.16) is allowed.
2. Ex-parte order dated 25.11.2025 is set-aside subject to payment of costs of Rs.500/-(Five Hundred Only) payable to the plaintiff on or before next date.

Pandharpur.
Date : 23.06.2026.

(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 :- 23.06.2026.

Judgment/Order signed by
the Presiding Officer :- 23.06.2026.

Judgment/Order uploaded on :- 23.06.2026.