

Regular Civil Suit Number 441/2024

CNR Number MHSO070005182024

Laxmi Sunil Jadhav

..... Plaintiffs

Versus

Ranjana Rohidas Gaikwad

..... Defendants

ORDER BELOW EXHIBIT 20

1. The defendant number 1 and 2 have moved the application vide exhibit 20 for setting aside ex-parte order. The defendant number 1 and 2 have stated that, they could not file written statement due to non availability of necessary documents and old age. Hence, the defendant number 1 and 2 could not file the written statement. The defendant number 1 and 2 must get the opportunity to put forth their defence, otherwise they will suffer irreparable loss.

2. The plaintiff has filed the say and raised strong objection to the application. It is stated that, application is false and vexatious. Hence, it is to be rejected.

3. I have perused application vide exhibit 20. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Do defendant numbers 1 and 2 entitle for setting as side, 'ex-parte' order ?	No
2	What is order ?	The application is rejected.

REASONS

4. The present suit is for perpetual injunction. The defendant number 1 and 2 have stated that, ex-parte order is passed against them. The Order 9 Rule 6(1)(a) of Code of Civil Procedure, 1908 states that, where the plaintiff appears and the defendant does not appear, when the suit is called for hearing and if it is proved that, summons was duly served the court may make an order that, suit be heard ex-parte. I have perused roznama, exhibit 1 and vakilpatra filed by defendant number 1 and 2 vide exhibit 12. It reveals that, the defendant number 1 and 2 have appeared in the suit on 05-11-2024 and appointed advocate on their behalf. On perusal of exhibit 1 it reveals that, ex-parte order is not passed against defendant number 1 and 2. Hence, the conclusion can be drawn that, defendant number 1 and 2 have duly served with summons and appeared before the court. Ex-parte order is never passed against them. Hence, the order which is not passed against defendant cannot be set aside. In the result, the following order is passed.

ORDER

The application vide exhibit 20 is rejected.

Pandharpur.
Date – 26-06-2025

Smt. K. A. Katkar
3rd Joint Civil Judge J. D,
Pandharpur

CERTIFICATE :

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	:	
Name of Stenographer	:	Rajiv M Gogi
Court Name	:	3 rd Joint Civil Judge Junior Division Pandharpur
Date of Decision	:	26.06-2025
Order signed by P.O. on	:	26.06-2025
Order uploaded on	:	26.06-2025