

ORDER BELOW EXH. NO. 07

1. Suit is filed by plaintiffs for declaration and perpetual injunction. The defendant has filed an application for setting aside ex-parte order against defendant passed on 22/06/2023. Defendant stated in their application that he is forgotten to file to appear and file the written statement in time. The valuable rights of defendant is involved and no deliberate delay and laches on the part of defendant in not filing written statement in time and if application is allowed no prejudice or loss will be caused to the plaintiffs but if the present application is rejected defendant will suffer great and irreparable loss which is can not be compensated in terms of money.
2. Adv. of the plaintiff given his say and strongly objected the said application. He stated that reason given in the application for not filing written statement within period is not just and proper. The defendant deliberately prolong the matter to harass the plaintiff. The application is malafide. The application pleased to be allowed with the costs of Rs.2000/-.
3. Perused the application and documents on record. Heard both sides. It perused from record of the court that summons are served to the defendant on 02/05/2023. Delay is caused by defendants for appearing and filing written statement. It is duty of the defendant that he has to appear and file written statement within 30 days from the service of summons. On 22/06/2023 ex-parte order passed against defendant. On 22/06/2023 defendant is present in the said suit through

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RCS No. 116/2023
Anil & Ors. / Yogesh

advocate. He has filed application for setting aside ex-parte order passed against them. I considered here that delay is caused by defendant but in the interest of justice as well as decide the matter on merit it is essential to give an opportunity to the defendant. Therefore, I pass the following order :

ORDER

- 1) The application is allowed subject to costs of Rs.200/-.
- 2) Ex-parte order passed against defendant is hereby set aside.
- 2) The defendant is directed to pay the amount of costs Rs. 200/- to the plaintiffs.

Date: 22/06/2023.

(Gayatri S. Patil)
3rd Jt. Civil Judge Jr. Division,
Barshi, Dist. Solapur.

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RCS No. 116/2023
Anil & Ors. / Yogesh

CERTIFICATE.

I affirms that the contents of this P.D.F file order are same word for word as per original order.

Name of Steno	: Shri. S.V. Kokate (Grade III)
Court Name	: Smt. G. S.Patil, 3 rd Jt. C. J.J.D. & J.M.F.C., Barshi, Dist. Solapur.
Date of order	: 22/06/2023
Order signed by P.O. on	: 22/06/2023
Order uploaded on	: 23/06/2023