

L.R. No.164/2003.
Indrayani Korde Vs. State of
Maharashtra.
CNR NO.MHST-05-000121-2003.

Order Below Exh. 52

Present application is filed by applicant Pramod Sadashiv Pathak for setting aside ex-parte order passed against them i.e. applicant no.7 to 9. It is contended that, their address is purposely not mentioned in the application by the applicants. Due to which no notice was served and directly paper publication of notice was done. When applicant got knowledge of this fact, he immediately started collecting documents but, due to pandemic delay occurred in collection of required documents. Meanwhile applicant no.8 Deepak Pathak expired on 12/12/2016 and applicant no.9 Mangal Pathak expired on 07/03/2020. Both deceased Deepak a deceased Mangal were unmarried. Further they were also sick and they do not took any newspaper as such were unaware of notice published in newspaper.

02. Applicants have raised objection on present application by contending that, application is false, not supported by evidence and hence liable to be rejected. Further, if application is allowed than heavy costs be imposed upon them.

03. Now, on perusal of application it is correct that, address of impleaded applicant no.7 to 9 are not mentioned. To which applicant no.1 to 6 have afforded explanation that, applicant no.7 to 9 while moving their third party application

have not adduced their address. As such summons was served by paper publication.

04. The explanation afforded by the applicant no.7 is plausible. In the interest of justice and to decide petition on merit, application deserves to be allowed. Hence, following order.

O R D E R

'Ex-parte' order passed be set aside subject to costs of Rs.200/-.

Karad.
Date :- 21/07/2022.

(Smt.S.Y. Deshmukh)
2Nd Jt. Civil Judge Senior Division,
Karad.