

MHST070010972023



Order Below Exh. 31 in RCS No. 198/2023
(Shreyas Gajanan Jagatap Th. Akansha Gajanan Jagatap Vs. Gajanan Krushnarao Jagatap)

1. The defendant No. 5 has filed this application for setting aside Ex-party order passed against him. It is contended that, summons of the suit was served on defendants on 20/03/2023. However, relative of defendant was admitted in Hospital for treatment. Therefore, defendant could not remain present in the Court. Therefore, Ex-party order was passed against defendants. Written statement of the defendant No. 5 is necessary for adjudication of the suit. Therefore, defendants prayed to set aside Ex-party order passed against them.

2. The plaintiff opposed the application by filing his say.

3. Heard both sides.

4. Perused the record. Record shows that the suit is filed for partition and separate possession. Record shows that Ex-party order passed against defendant No. 5. It is contention of the defendant that due to illness of relative of defendant and necessary documents she could not file the application within time. Therefore, in order to give opportunity to the defendant to put his case and in the interest of justice the application deserves to be allowed. In the result, I pass the

following order.

ORDER

1. The application (Exh. 31) is allowed.
2. Ex-party order passed against defendant No. 5 is hereby set aside.
3. Written statement of the defendant be taken on record.

Date : 14/06/2025

(Prashant P. Kulkarni)
4th Jt. Civil Judge, Junior Division,
Karad.