



ORDER BELOW EXH.44 IN R.C.S. NO.4/2024

(CNR No. MHWS02000024-2024)

Prataprao Deshmukh Vs. Sanjay Deshmukh & Ors.

1] Defendant Nos.6 & 8 have filed this application, praying that 'ex-parte' order dated 30/04/2024 passed against them be set aside. They have stated that they could not put their appearance in the suit as they did not receive the relevant documents. According to them, if this application is not allowed, they will suffer irreparable loss. With this, they have prayed that this application be allowed.

2] The plaintiff has filed his say on overleaf of this application. He has stated that the reason mentioned in this application is not satisfactory & however, defendant Nos.6 & 8 have filed this application to prolong trial of the suit. With this, the plaintiff has prayed that this application be rejected together with heavy costs.

3] I have heard Ld. Advocate Mr. Sawarkar for defendant Nos.6 & 8 and Ld. Advocate Mr. Agame for the plaintiff. I have gone through the record of the suit.

4] Upon perusal of the record, it is seen that 'ex-parte' order came to be passed against defendant Nos.6 & 8 on dated 30/04/2024. It is matter of the record that summonses to defendant Nos.6 & 8 were served on dated 23/01/2024 & 21/01/2024 *respectively*. Therefore, it was obligatory on the part of defendant Nos.6 & 8 to file their written statement on or before dated 23/04/2024 & 21/04/2024 *respectively* as required by Order 8 Rule 1 of the C.P.C. It is matter of the record that the present application has been filed on today itself. Thus, having regard to

the reason mentioned in this application & taking into consideration nature of the suit, I have no hindrance to hold that this application deserves to be allowed. With this, I proceed to pass the following order -

ORDER

- 1] Application Exh.44 is allowed & thereby, '*ex-parte*' order dated 30/04/2024 passed against defendant Nos.6 & 8 is set aside.
- 2] No order as to costs.
- 3] Parties to the suit shall take note of this order.

Washim.
Date – 05/07/2024.

(S.S.Ubale),
Civil Judge, (Sr. Dn.), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 05/07/2024
- 4) Order signed by the
presiding officer on :- 05/07/2024
- 5) Order uploaded on :- 05/07/2024