

<u>MHPU150018402023</u> 	<u>RCS No.423/2023</u> <u>Sanjay Pandurang Gaware</u> <u>Vs</u> <u>Surekha Suresh Deshpande</u>
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Order below Exh.14
(Date: 10.10.2024)

Present application is filed by defendant for setting aside “Ex-parte Order” passed against her.

2] By filing present application it is submitted that, the suit summons is duly served to the defendant on 16.02.2024 but at the defendant is old age and having no legal knowledge she could not appeared in the present within the stipulated period. Also some important documents were not made available to her therefore, she could not file her appear and written statement within the period of limitation. Therefore, she prayed that, the “Ex-parte Order” passed against her on 03.07.2024 may be set aside.

3] The learned advocate for plaintiff filed his say on present application and denied the contents of the application and submitted that, the reasons mentioned in the application are false. Therefore, he prayed that, application may be rejected. In the alternatively it is prayed that, if Court comes to the conclusion to allow the present

application then the application may be allowed by imposing heavy costs.

4] Heard both sides. Perused the record. The record shows that, the present suit is filed for declaration and for perpetual injunction. The suit summons is duly served to the defendant but she failed to appear therefore, Ex-parte order came to be passed against her on 03.07.2024. Considering the nature of suit it is necessary to give an opportunity to the defendant to file her written statement. Hence, considering the contentions of application, I proceed to pass following order :-

ORDER

1. Application is allowed and Ex-parte Order passed against defendant dated 03.07.2024 is hereby set-aside subject to costs of Rs.200/-(Rs. Two Hundred Only).
2. Amount of costs be credited to the Government.

Place : Baramati
Date : 10/10/2024

(Omprakash M. Mali)
Joint Civil Judge, Junior Division,
Baramati, Dist.Pune.

CERTIFICATE

“I affirm that the contents of this P.D.F file of order/judgment are same word for word as per original order/judgment.”

Name of Stenographer :: Mahesh S. Bhavsar (Grade-III)
Name of Court :: Shri. O. M. Mali
Jt. C.J.J.D. & J.M.F.C., Baramati.

Decision Date of order/ judgment :: 10.10.2024

Order/judgment signed by :: 10.10.2024
presiding officer on

Order/judgment uploaded on :: 10.10.2024.