

MHPU020006711995



R.C.S. No. 201727/1995

*(Kondur Nama Paigude etc
Vs. Tanhabai Bhiku Paigude
others)*

COMMON ORDER BELOW EXH. 221 & 225.

(Passed on 19th September, 2024)

Read the applications and say. Perused the record.
Heard the parties.

2. Present suit is filed for partition and separate possession. Defendant No.1(E)(1 & 2) & defendant No.1(G)(1 to 3) are brought on record being the legal heirs of deceased defendant No.1(E) and 1(G). However, after service of summons defendant No.1(E)(1 & 2) & defendant No.1(G)(1 to 3) failed to appear before the Court. Therefore, order to proceed ex parte was passed against them on dated 25.01.2023 and 26.04.2023 respectively.

3. I have perused the record. As stated above, the suit is for partition and separate possession. Defendant No.1(E)(1 & 2) & defendant No.1(G)(1 to 3) are the legal heirs of deceased defendant No.1(E) and 1(G). Therefore, in such circumstances, in order to decide the matter on merit and to avoid multiplicity of the proceeding and considering the nature of the present matter, an opportunity can be given to them to contest the matter. At the same time, their absence for

long period, also cannot be ignored. Hence, in the light of above discussion application can be allowed while imposing cost upon defendant No.1(E)(1 & 2) & defendant No.1(G)(1 to 3). Hence, in view of above discussion in my view, applications deserve to be allowed subject to cost in the interest of justice. Hence, I proceed to pass the following order;

ORDER

- 1) Applications Exh.221 & 225 are allowed in the interest of justice subject to cost of Rs.3,000/- to be deposited to the Government.
- 2) The order dated 25.01.2023 and 26.04.2023 passed below Exh.01 is hereby set aside.

Pune.
Date : 19/09/2024.

(Smt. P. V. Rane)
4th Jt. Civil Judge (Sr.D.), Pune.

CERTIFICATE

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

Name of Steno	:	Miss. F. J. Bijapure, (Steno Grade-III)
Court Name	:	Smt. P. V. Rane 4 th Jt. Civil Judge (S.D.), Pune.
Date	:	19/09/2024
Judgment/Order signed by presiding officer on	:	19/09/2024
Judgment uploaded on	:	19/09/2024