

CNR NO.MHSCA -20023752022

IN THE COURT OF SMALL CAUSES, AT MUMBAI

Order below Exhibit No. 30

IN

R.A.E. Suit No. 1277 of 2022

Mr. Vijay Anant Nagwekar & Ors. ... Plaintiffs

Versus

Santosh Dhuri & Ors. ... Defendants

S.J. Dhuri, Ld. Advocate for the Plaintiffs.

Khan Javed Akhtar, Ld. Advocate for the Defendant No. 1.

**Coram : Smt. R.M. Chavan,
Judge, C.R. No.14
Date : 29.01.2025.**

ORAL ORDER :

Perused the application and say. Heard.

2. Defendant no. 1 has taken out this application to set aside the ex-parte order dated 04.05.2024 passed against him. The reason stated by defendant no. 1 is that he was served with wrong copy of the plaint and he received the correct copy on 12.03.2024. Further, he was busy with campaigning for the candidate in Parliamentary elections, therefore, he could not finalize the written statement. Though the plaintiffs objected the application submitted to the order of the Court.

3. It appears that the writ of summons was served upon the defendant no. 1 on 18.07.2023, however, the wrong copy of plaint was

/home/steno/RMChavan Judge/2025/jan-25/exh/exh-30-rae-1277-22-set-aside-ex-parte.odt

served upon him. Thereafter, he took out application on 09.08.2023 and after passing of the order, he received the copy of the plaint on 12.03.2024. So, the reason mentioned in the application seems to be reasonable and justifiable. The plaintiffs have filed the suit for eviction of defendant no. 1, hence, his written statement is necessary to decide the suit on merits. Therefore, it is necessary to set aside the ex-parte order and permit defendant no. 1 to contest the suit. Accordingly, following order is passed :

ORDER

1. Application (**Exhibit- 30**) is allowed.
2. The 'ex-parte' order dated 04.05.2024 is hereby set aside.

Date : 29.01.2025.

[R.M. Chavan]
Judge, [Court Room No.14]
Court of Small Causes, Mumbai.