



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 11378 OF 2023

BALAJI NARAYAN PAWAR AND OTHERS
VERSUS
MANKARNIKA MADHUKAR PAWAR AND OTHERS

...
Mr. Sanjay Ramlal Kolhare, Advocate for the Petitioner
Mr. Shrikrashna B. Solanke, Advocate for Respondent No. 1 To 3
...

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 19th DECEMBER, 2025

PER COURT :

1. Heard learned counsel for the respective parties.
2. By way of present petition petitioners assail the order dated 27/06/2023, passed by learned Civil Judge, Junior Division, Kandhar, below Exhibits-9 and 11 in R.C.S. No.16/2023, whereby the application filed by petitioners for setting aside ex-parte order came to be rejected.
3. After going through the record, I find that on 28/03/2023 the Trial Court passed ex-parte order and thereafter application was filed on 27/06/2023 by the petitioner stating that he is an old age person and due to illness he could not appear within stipulated time. Also, since rest of the defendants who are sons of defendant No.4 were out of station for the purpose of marriage of their daughter, they could not attend the Court.

4. Having gone through the reasons given by the petitioners in the petition and the application, I am inclined to allow the writ petition. Writ petition is, therefore, allowed by setting aside the order dated 27/06/2023, passed by learned Civil Judge, Junior Division, Kandhar, below Exhibits-9 and 11 in R.C.S. No.16/2023, subject to the costs of Rs.10,000/-. After petitioners deposit the said costs, it shall be transferred to the Cancer Hospital, Aurangabad.

(SIDDHESHWAR S. THOMBRE, J.)