

Order Below Exh. 18
(Dated 15/04/2024)

- 1) The present application preferred for setting aside no say order dated 15/01/2024 on the ground that the applicant/opponent no. 2 was unable to attend the Court and his advocate was also unable to attend the Court, due to unavoidable circumstances.
- 2) The original petitioner objected the application on the ground that the reason for setting aside no say order is not justified.
- 3) Heard ld. Adv. Mr. G. S. Awasthi for the opponent no. 2 i.e. present applicant and ld. Adv. Mr. D. Y. Kale for original petitioner at length.
- 4) On perusal of the record of the case, it is observed that the summons was served on opponent no. 2 on 27/01/2023 vide exh. 08. As the opponent no. 2 not filed the say till 15/01/2024, the Court passed no say order on 15/01/2024. Though, no say order is passed and at present the opponent no. 2 filed the application for setting aside no say order along-with say, then the opportunity of opponent no. 2 of being heard can not be taken away on technical fault. At the same time, inconvenience caused to the original petitioner due to non filing of say by opponent no. 2, required to compensated by way of imposing costs of Rs. 200/- on the opponent no. 2 in the present case. Hence, the order -

ORDER

- 1) No say order dated 15/01/2024 passed against the opponent no. 2 is hereby set aside subject to costs of Rs. 200/- (Rupees

two hundred) to be paid to the original petitioners.

- 2) The say of opponent no. 2 filed along-with the present petition be taken on record on production of acknowledgment of costs received by the original petitioners.
- 3) Accordingly, the application is disposed of.

Washim.

Date: 15/04/2024.

(S. V. Hande)

Principal District Judge,
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)
Name of Court :- Principal District & Sessions Judge, Washim,
Dist. Washim.
Date of Judgment/ Order :- 15/04/2024
Judgment/Order signed by the :- 15/04/2024
Presiding Officer on
Judgment/Order uploaded on :- 18/04/2024