

ORDER BELOW EXH.26
(Passed on 1st November 2025)

The present application is filed by non-applicant No.1 to set aside the order passed by this Court on 04.03.2024 on Exh.1 regarding no reply and say.

2] It is contention of non-applicant that the mediation process was going on before this Court and before the Hon'ble High Court. The non-applicant has hope that the matter will be settled but in High Court the mediation process take almost one year and due to adamant behaviour of applicant there is no amicable settlement. Due to mediation process, the non-applicant has not filed his say and reply as it would go adverse and applicant will get chance to refuse the mediation. Therefore, the considerable period has lapse and this Court has passed necessary order against non-applicant. Therefore he has prayed to set aside the order dated 04.03.2024.

3] The applicant has strongly objected the application by filing say at Exh.28. She has submitted that the non-applicant has came before the court with false contention of mediation. The non-applicant has duly appeared before this Court on 09.02.2023 and after granting ample opportunities, this court has correctly passed the order on 04.03.2024. Almost one and half year, period was given to

non-applicant to file their reply and say. Therefore, the application deserves to be rejected.

4] Perused the record. The main application is filed under various provisions of Protection of Woman from Domestic Violence Act. The allegation of domestic violence are made against non-applicant. As per the order below Exh.1 dated 04-03-2024 my learned predecessor has passed no reply and say order against non-applicant No.1 to 5. The non-applicant Nos.1 to 5 were intimated about the notice of present proceeding on 29.09.2023 as per the returned envelope filed at Exh.9 to 13. Thus since from 29-09-2023 the non-applicants were well aware about the present litigation and still till 04-03-2024 they have not filed their reply and say. Thus ample opportunity is given to him.

5] The present application is filed along with reply. It shows that the non-applicant does not want to cause further delay in the proceeding. But at the same time, the objection raised by applicant has to be taken into consideration.

6] To decide matter on merit, it is necessary that an opportunity should be given to non-applicant to put up their side and rebut the allegations made against him. No prejudice will be caused if application is allowed, but if the application is rejected, it will cause grave prejudice to the right and interest of non-applicant. Further it will also amount to delay and multiplicity of proceeding. Hence in the

interest of justice, the application deserves to be allowed with keeping in mind that reply is filed by non-applicant after lapse of stipulated period. As such I proceed to file following order :-

ORDER

1. The application at Exh.26 is allowed.
2. The no reply and say order passed against non-applicant Nos.1 to 5 dated 04-03-2024 is set aside subject to costs of Rs.2,000/- payable to applicant till next date.
3. Both parties to take note of this order.

Nagpur
Date : 01.11.2025

(Smt. D.M. Shinde)
14th Jt. Civil Judge (Sr. Dn),
Nagpur.