

Special Civil Suit No. 403 / 2025

Girdhar Shete & Ors. Vs Bharat Shelki & Ors.

ORDER BELOW EXH. 14

(Passed on 27th Day of April 2026)

Defendant filed an application under Order VII Rule 11 of Code of Civil Procedure at Exh. 12 on 29.09.2025 ; plaintiff to file say and therefore ; no say order' was passed on Exh. 12 on 20.01.2026 (i.e. impugned order) ; and now vide this application, plaintiffs are requesting for setting aside said impugned order. Say of defendants was called for but is not filed.

02. Perused application. Also perused record and proceeding. Heard Ld. Advocates for both the sides.

03. It is clear that plaintiff has not filed the say on Exh. 12 inspite of availing several opportunities and therefore the impugned order was passed. Now, plaintiffs have filed say at Exh. 15 which is filed with this application and kept in abeyance. Considering the question raised by defendants vide application at Exh. 12 and the time lapsed due to fault of plaintiffs, I am of the view that the application can be allowed by saddling costs for the cause of delay. Thus, following order :

ORDER

- 1- Application is allowed subject to costs of Rs. 500/- payable to defendants as condition precedent.
- 2- Failure in compliance will result into consequential orders.

Date : 27.04.2026
Place : Nagpur.

(**Anand D. Karbhaajan**)
22nd Joint Civil Judge (Senior Division),
Nagpur.