

MHAH220023342021



Cri.M.A.No.376/2021

Uma Vs. Raviraj and ors.

ORDER BELOW EXH.13

(Passed on 29th September, 2023)

This is an application filed by the non applicant no.4 Avinash for setting aside no say order passed below Exh.1 dated 18/05/2022 with permission to file say.

2. It is the contentions of the non applicant no.4 Avinash that he could not receive relevant documents, therefore, he could not filed say within a stipulated time. Therefore, the non applicant no.4 Avinash filed present application for setting aside no say order passed below Exh.1 dated 18/05/2022 with permission to file say.

3. The applicant filed say overleaf of the present application, wherein, she submitted that reasons mentioned in the present application are not proper. Therefore, the applicant prayed to reject the present application.

4. Heard learned advocate Mr. S. S. Potre for the non applicant no.4 Avinash. Also heard learned advocate Mr. A. S. Punde for the applicant.

5. Perused the record. After perusal of record it appears that the applicant filed the present application for maintenance under the Protection of Women From Domestic Violence Act, 2005.

6. It is the contentions of the non applicant no.4 Avinash that he could not receive relevant documents, therefore, he could not file say within a stipulated time. It is also pertinent to note here that reason

mentioned in the present application is not a proper and genuine. However, the present application is relating to maintenance. If the application is allowed no prejudice will cause to the applicant. Per contra it will avoid the multiplicity of the proceeding. For fair trial it is necessary to give an opportunity to the non applicant no.4 Avinash to defend the present petition. If an opportunity is not given to the non applicant no.4 Avinash it will cause hardship to him. However, delay caused by the non applicant no.4 Avinash for filing say can be compensated by imposing costs on him. So, for a fair trial, I proceed to pass the following order.

ORDER

1. The application is allowed with costs.
2. No say order passed below Exh.1 dated 18/05/2022 is hereby set aside.
3. The non applicant no.4 Avinash is permitted to file his say subject to payment of costs of rupees 2,000/- (Two Thousand Only) to the applicant.
4. If the non applicant no.4 Avinash failed to comply the present order on or before next date then the present order is automatically set aside.

(Pronounced and dictated in open Court)

sd

Date : 29/09/2023.

(Sheaikh Wasim Akram)
Judicial Magistrate, F.C. Karjat.

CERTIFICATE FOR UPLOADING TO CIS

I affirm that the contents of this P.D.F File are same word to word,
as per the original.

Name of the Court : **Shri. M. W. A. M. J. Sheaikh**
Judicial Magistrate First Class,
Court No.1, Karjat,
Tal.Karjat, Dist.Ahmednagar.

Name of the Stenographer : **Amol S. Nannaware**
Stenographer (Grade-III)

Date of order/Judgment : 29/09/2023