



**ORDER PASSED BELOW EXH. 38 IN SPL.C.S.NO.35/2016**  
**( Rupali Vilas Diwate Vs. S.Mineral Watter Pvt. Ltd. & ors. )**

For setting aside 'no say' order passed below application at Exh.35 defendant nos.1 & 2 have filed this application.

2. As per the contention of defendant nos.1 & 2, the present suit has been filed against them for declaration. The plaintiff has filed an application for an amendment but defendants failed to file their say on the same. However, 'no say' order came to be passed against the defendants. However, in the interest of justice they may be permitted to file their say. As per the contention of the plaintiff the application is false and not tenable. The contents of the application are not admitted. Hence, the application is liable to be rejected.

3. Heard counsels for the parties. Perused record. I thoughtfully considered rival contentions. It seems from the record that the defendant nos.1 & 2 failed to file their say to application at Exh.35 even after ample opportunities. Hence, "no say" order came to be passed against them on 30/01/2025. Now defendants have filed this application but no reason has been assigned by them for the delay. Their conduct shows that they are trying to prolong the case. However, the valuable rights of the parties in respect of immovable property are involved in it. Therefore, to decide real controversy between the parties and to avoid multiplicity in the proceeding it is necessary to allow defendants to file their say. Hence, the following order :-

**ORDER**

The application is allowed.

Dt. 04/03/2025

Civil Judge Senior Division,  
Shrigonda.