


<b>MHAU080036662024</b> 	<b>Cri.M.A./144/2024</b> <b>Heena Kausar Shaikh Javed</b> <b>Vs.</b> <b>Javed Chotu Shaikh</b>
--	---

**ORDER BELOW EXH.8.**

**(Passed on dated 29.04.2025)**

. This is an application to set aside no written statement order dated 25.11.2024 and to grant permission to file written statement.

2. The sum and substance of the application is that, non applicant has filed RCS No. 317/2024 against applicant for restitution of conjugal rights in the Civil Court Sillod. After serving with the notice of present application he could not file his written statement for want of some important documents and constant illness of his father. Hence, no written statement order is passed against him. Hence, it is prayed for granting very application.

3. The say of applicant was called upon. Accordingly, Ld. Adv. I I Pathan filed his say and vide Exh.9, and opposed the application contending that, the application filed by non applicant is false, bogus, imaginary and misleading the Court filed only for prolonging the trial. No documentary evidence is filed on record to fortify the reasons stated in the very application. The contention in the para No. 1 of the application is part of the evidence.

4. The non applicant was served with the notice on dated 01.08.2024 through his father and he caused his appearance in the Court and sought time to file written statement. As, non applicant did not file his written statement, on dated 25.11.2024 his application for grant of time to file written statement was rejected by the Court. On dated 20.01.2025 vide Exh.7 applicant filed her affidavit of evidence. Even on dated 20.02.2025

no cross examination order is passed against non applicant. Thereafter the present application is filed. Hence, it is prayed for rejecting the very application imposing cost of Rs.10,000/- (Only Ten Thousand Rupees).

5. Perused the application, say thereon and record in hand. It appears that, applicant filed present application against non applicant under section 125 of the Criminal Procedure Code for seeking relief of maintenance for herself.

6. It appears that, after service of notice on 01.08.2024 NA caused his appearance vide Exh.4 and sought time to file his written statement vide Exh.5. Thereafter, on dated 10.09.2024, 05.10.2024 and 25.10.2024 NA did not file his written statement. Even, on those three dates, he did not sought time to file written statement. On dated 25.11.2024, he filed an application for seeking time to file his written statement vide Exh.6. But the same application came to be rejected and no written statement order is passed below Exh.1 on the same day. Thereafter, on dated 20.01.2025 vide Exh.7 applicant filed her affidavit evidence and on dated 20.02.2025 no cross examination order is passed against non applicant. Thereafter, on 17.03.2025 the present application is filed.

7. Reason cited by NA is that, for want of important documents and constant illness of his father he could not file his written statement. But, no any documentary evidence as to illness of his father is filed on record. Even, no particular of so called important documents is given by non applicant. The way, reasons cited for not filing written statement appears to be palpably false. Rather, it appears that, both applicant and non applicant are residing in the same colony of Sillod City. As such, in order to prolong the matter, written statement is not filed by non applicant deliberately to harass the applicant. Now, the only thing is that, in order to decide this matter on merit an opportunity of filing written statement is to

be given to the NA. But, it requires to impose exemplary cost of Rs.3,000/- (Only Three Thousand Rupees), so that, in future he shall not prolong the trial. Accordingly, I pass the following order :-

**ORDER**

1. Application below Exh.8 is hereby allowed subject to cost of Rs.3,000/-(Only Three Thousand Rupees) payable by non applicant to applicant following terms.
2. No written statement order dated 25.11.2024 is hereby set aside and non applicant is permitted to file his written statement.
3. Non applicant is hereby directed to proceed with the matter expeditiously.

Date : 29.04.2025.

**(Shri. K T Adhayke)**  
Judicial Magistrate F.C., Sillod

**:-CERTIFICATE:-**

I certify that the contents of this PDF File are word to word as per Original Judgment/Order.

Name of the Stenographer	:- R.D.Pawar ,
Name of the Court	:- J.M.F.C., Sillod.
Date	:- 29.04.2025
Order Digitally signed by Presiding officer on	:- 30.04.2025
Order Uploaded on	:- 30.04.2025

Sd/-  
Stenographer Grade-III.