

MHAU080036672024



PWDVA Appln./27/2024

**Heena Kausar Shaikh Javed Vs. Javed Chotu Shaikh**

**ORDER BELOW EXH. 11**

This is an application for setting aside no-say order.

**02.** It is submitted that, applicant has filed an application for interim maintenance vide Exh. 10. N.A. already filed say to main application. But, on the last date N.A. was out of station and failed to present before the Court due to unavoidable circumstances. Hence, the Court passed no-say order against N.A. N.A. already filed his say at Exh. 7. Hence, this application may kindly be allowed.

**03.** The say of applicant was called upon. Accordingly, applicant filed say vide Exh. 12 and opposed the application contending that, application filed by N.A. vide Exh. 11 is false, fabricated and imaginary misleading the Court. The same is filed for harassing applicant mentally and to prolonging the case. The application does not bear signature of one of the non-applicants. No supporting affidavit is filed along with the application. No single document is filed to substantiate the reason mentioned in the application.

**04.** Further, it is contending that, non-applicants received notices of the same matter as on 18/10/2024 and such report was filed

in this Court on 19/10/2025. On dated 25/10/2025 non-applicants appeared in Court through their counsel and they sought time to file the written statement. Thereafter, vide Exh. 06 they filed application for grant of permission to file written statement. Accordingly, an opportunity is given to them on 16/07/2025. Accordingly, non-applicants filed their say. Applicant had filed an application for interim maintenance on 14/06/2024. But, non-applicants deliberately did not filed their say to that application. As such, this Court passed no-say order as to interim maintenance application vide Exh. 10. Non-applicants have been given ample opportunity to file their say to the interim maintenance application. But, only for prolonging the case and giving mental harassment to the applicant, they have not filed their say. Hence, it is prayed for rejecting the very application imposing the costs of Rs. 10,000/-.

**05.** Perused the application, say thereon and record in hand. It appears that, applicant has filed an application for interim maintenance on dated 14/06/2024. Non-applicants have filed their written statement to the main application on dated 20/02/2025. It means that, prior filing written statement applicants had filed interim maintenance application. As such, non-applicants could have filed their say to the interim application also at the time of filing written statement. But, for what reason they only filed their written statement to main application and did not take any effort to file their say to the interim maintenance application. The reason is best known to them. But, it can be inferred that, non-applicants tried to prolong the decision on interim maintenance application in order to harass the applicant.

**06.** Here, it requires to give an opportunity to the non-applicants to file their say to the present interim maintenance application only for the reason that, the same shall be decided on merit. But, at the same time tactics used by non-applicants can not be lost of sight. Hence, it needs to allow this application imposing costs of Rs. 1,000/-, payable to applicant. Accordingly, I pass the following order :-

**ORDER**

- i. The application vide Exh. 11 is hereby allowed subject to costs of Rs. 1,000/- payable to applicant.
- ii. No-say order dated vide Exh. 10 is hereby set-aside.
- iii. Non-applicants are hereby directed to file say on Exh. 10 on or before next date without failing.

Date – 07/11/2025

**(K. T. Adhayke)**  
Judicial Magistrate First Class,  
Sillod.