

MHBU100012112024



PWDVA No.66/ 2024

Zarina Bee + 1

V/s.

Shaikh Ishak +5

ORDER BELOW EXH. 19

- 1) Perused the application and say filed thereon. Heard learned advocates for the respective parties.
- 2) The reason stated by the non applicant in his application is that as there was marriage in the family, they could not proceed with the case. Also, their counsel was out of town and therefore they could not attend this court on 12-12-2025. Applicant resisted the said application on the ground that reasons stated in the application is false and incorrect and therefore, prayed to reject the said application.
- 3) The reason stated by the non applicant with regard to attending marriage is not justifiable ground for not appearing and proceeding with the case as their Learned Counsel could easily proceed with the case. But he remained absent as he was out of station on the date of hearing. However, It is settled principle of law that no party shall remain unheard. Also, in order to decide controversy involved in the matter and on merit, one opportunity is required to be given to the non-applicants and therefore this application is required to be allowed in the interest of justice. Also, due to the above conduct of the non-applicants, matter has been delayed therefore suitable costs is required to be saddled upon them.
- 4) Thus, considering aforesaid principle and reason stated in the application, this application needs to be allowed. Hence, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) No cross order dated 12-12-2025 against the non-applicants is set aside subject to payment of costs of Rs. 1000/- (One Thousand Only) to the applicant no. 1.

Date: 11/03/2026.

(P.S.Thakare)
Judicial Magistrate F.C.,
Malkapur

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file order is same, word to word, as per the original order.

Court	J.M.F.C. Court No.1, Malkapur
Date	11/03/2026
Order signed by the presiding officer on	11/03/2026
Order uploaded on	12/03/2026