

MHBU160004762025



Order below Exh.-20 in Civ. M.A. No. 22/2025
Rukhmabai & Ors. Vs. Samadhan & Ors.

Present application is moved by respondent No. 2 thereby prayed to set aside 'no say order' passed below Exh.01 on 07/01/2026.

02 - The applicants filed their say on overleaf of present application thereby prayed to reject present application with costs.

03 - Ld. Adv. S.G. Sonune for respondent No. 2 argued that the respondent No. 2 appeared in present matter. However, he could not file his say due to unavailability of important documents. Hence, the respondent No. 2 could not file his say within the prescribed time period. However, the respondent No. 2 wants to contest the present matter. Hence, he prayed to allow the present application.

04 - Ld. Adv. P. S. Sonune for applicants submitted that no say order was passed against respondent No.2 on 07/01/2026. Therefore, the present application is not tenable. The respondent No.2 failed to file his say despite of sufficient opportunities. Hence, he prayed to reject the present application.

05 - Perused the application & say thereon. Heard both sides. I have gone through record of present matter.

06 - It seems that main application was filed for issuance of heir-ship certificate. Perusal of record shows that the respondent No.2 was appeared on 09/06/2025. However, he failed to file his say. Therefore, no say order was passed against respondent No.2 on 07/01/2026. The respondent No.2 contended that he did not get important documents. Therefore, he unable to file his say within prescribed time period. I considered these contentions. The applicants did not seriously dispute contentions of the respondent No.2. Therefore, I am of the opinion that reasons given by respondent No.2 appears to be convincing to set aside 'no say order'.

07 - It seems that interest of both the parties are involved in present matter. Moreover, right to defend is one of the important right of the respondent No.2. If said right is denied then the respondent No.2 will be prejudiced. Furthermore, the respondent No.2 filed his say along-with present application. Therefore, conduct of the respondent No.2 is positive. Considering reason mentioned in application, I am of the opinion that opportunity to file say needs to be given to the respondent No.2.

08 - In view of aforesaid discussion, I am of the view that say of respondent No.2 must be on record for proper and effective adjudication

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of present suit. Moreover, if the application is allowed then no prejudice will be caused to the applicants. The delay caused to file say is condoned considering reasons submitted by respondent No.2. Moreover, order passed below Exh.01 on 07/01/2026 will be set aside subject to costs of Rs. 500/- payable to the applicants. In result, I pass following order.

Order

- 1 Application is allowed subject to cost of Rs. 500/-(Five hundred only).
- 2 The respondent No.2 is directed to pay Rs. 500/-(Five hundred only) to applicants on or before next date.
- 3 After paying costs, order below Exh.1 passed on 07/01/2026 will be set aside and say of respondent No.2 will be taken on record.

Date:- 02/03/2026

Place:- Motala.

(S.S.Gaikwad)
Jt. Civil Judge Jr. Div.,
Motala, Distt. Buldana.

(S.S.Gaikwad)
Jt. C.J.J.D.Motala.