

ORDER BELOW EXH. 25 IN CIVIL M. A. NO. 37/2021.

(Passed on 03.10.2022.)

1. This is an application made by non-applicants for setting aside no say order passed against her on 28.06.2022.
2. Non-applicants contended that, on the date of hearing, non-applicant no. 1 was suffering from illness of kidney and concerned doctor had advised not to go for traveling to the non-applicant no. 1. Due to such, she failed to appear and file her written statement on record. The intention of non-applicant was bonafide in nature, she was not intentionally prolonging to this application. Lastly, non-applicants prayed for setting aside no say order passed against her dated 28.06.2022.
3. Per contra, applicant is appeared and submitted that, if the application is granted then, heavy cost may kindly be imposed against non-applicants.
4. Perused an application at Exh. 25. I have gone through with the say of applicant, documents and record of the case. Heard both the advocates.
5. The present application came to be filed in the year 2021. It was fixed for evidence of applicant. Meanwhile, non-applicants are appeared and seeking setting aside no say order. As per non-applicants, on the day of hearing, non-applicant no. 1 was suffering from illness of kidney and concerned doctor had advised not to go for traveling to the non-applicant no. 1, therefore, she failed to appear and file their written

statement on record. The reason mentioned is sufficient cause and in order to proper and final disposal of the case, it is required to be heard to non-applicants. Therefore, application deserves to be granted. In this, applicant should not be suffered, unnecessarily. Considering above aspect, I proceed to pass following order.

ORDER

- 01) The application at Exh. 25 is allowed, subject to costs of Rs. 500/- payable to applicant, on or before next date.
- 02) Upon depositing cost, no say order passed against non-applicants, dated 28.06.2022 is set aside and they are allowed to file written statement on record.

Place- Lonar.

Date : 03.10.2022.

(V. S. Raut)

Civil Judge Jr. Division, Lonar.

J.O. Code : MHBI-02-2830