



**Order below Exh.12**

Perused the application and record. The application is filed for proceeding the case without written statement/reply against non-applicant No.1. Non-applicant No.1 is absent, hence application is proceeded without his reply.

2] It is the contention of the applicant that the non-applicant No.1 had filed an application for setting aside proceeding against him ex-parte order dated 25.07.2024. The application filed at Exh.10 was allowed by the Court as per order dated 30.01.2025 subject to condition of payment of Rs. 1,000/- to the applicant. The non-applicant No.1 since passing of the said order failed to appear before the Court. He did not comply the said order. Therefore, the applicant prayed to proceed against him without w.s.

3] The record substantiate the contention of the applicant. The operating part of order dated 30.01.2025 passed below Exh.10 specifically shows that the said application was allowed subject to payment of Rs. 1,000/- to the applicant. Till date non-applicant No.1 did not comply the said order. Already more than four months are over. Moreover, the non-applicant No.1 is not appearing before the Court. Hence, I found merit in the application. Consequently, I pass following order.

**Order**

1. The application filed at Exh.10 is allowed.
2. The case be proceeded against non-applicant No.1 without w.s.

Date: 22.05.2025.  
Desaiganj.

**(Satish G. Gore)**  
Judicial Magistrate First Class.,  
Desaiganj.