

MHGA050012152025



PWDVA No.14/2025
Nisha .Vs. Ashish & ors

Order below Exh.18

Dated:-18.07.2026

This is an application filed by non-applicant No.1 and 2 to set-aside the order dated 27.03.2024 passed below Exh.16 to reject the adournment application filed for grant of time to file written statement with reply. The applicant filed say on the application itself and strongly opposed the application on the ground that the non-applicants deliberately did not file written statement within time. Hence, prayed for rejection of the same with heavy costs.

2] It is contention of non-applicants that on previous date, both non-applicants were ill, therefore they would not file written staement/ reply on fixed date and moved application for grant of time. The said application was rejected by the Court, thereby mentioning that already 90 days are over from the date of receipt of the notice. They further contended that due to the illness they could not contact to their advocate.

3] The reason mentioned in the application is not supported with medical document. The same cannot be ground to reject the application. The matter is between husband and wife, the non-applicant has already file w.s. with present application in order to decide the case on merit the pleading of non-applicants is necessary on record of the case. Moreover, if the application is allowed then case/proceeding will be decided on merit, on the other hand if the application is rejected then definitely prejudice will be caused to the non-applicants which cannot be compensated in terms of money. As the non-applicants failed to file

written statement/reply within time, in order to check so called delay caused to them for filing reply/w.s., it can be compensated by imposing certain reasonable costs on them. Hence, I pass following order;

ORDER

Application filed at Exh.18 is allowed subject to payment of costs of Rs. 500/- payable to the applicant.

Date : 18.07.2026.
Desaiganj.

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