

MHGO070002842023



Sum. Cri. Case No. 06/2023
Tejasvi .Vs. Anand

ORDER BELOW EXH. 35

(Passed on this 5th day of December, 2025)

This is an application filed by the non-applicants for setting aside order of Ex-party passed against them on 1/12/2023 and permission to file reply to the main application.

2. It is the contention of the non-applicants that they had gone out of the village for urgent work and therefore, they could not appoint an Advocate in this case. Before some days, the applicant made telephonic call to the non-applicants and informed about the date of the case. Therefore, non-applicants appeared in the case on previous date along with their advocate and also obtained necessary document in the case. It is further submitted by the non applicants that without filing reply on their behalf, no truth will come out in the case. Therefore, they prayed to set aside Ex-party order passed against them on 1/12/2023 by the Court and also prayed to permit them to file their reply.

3. The Learned advocate for applicant has filed his say on the back side of the said application contending that near-about period of 2 years has been lapsed but the non-applicants did not file their reply and they remained absent in the case. It is further contented that no explanation is given by the non-applicant about the said delay and also

prayed to direct the non-applicants to clear all maintenance arrears in this case. in the interest of justice.

4. Perused said application and reply of applicant. Also perused record and documents. I have also given considerable thought to the arguments advanced by learned counsels of both sides. Perusal of record shows that application is filed under section 12 of the Protection of Women from Domestic Violence Act, 2005 seeking reliefs under sections 18 to 20 and 22 along with interim application for monetary relief. Notice was issued to the respondent through Protection Officer which was served to them on 25/09/2023 vide report Exh. 8 to 11. Respondents also failed to file reply below interim application filed at Exh. 5. Hence, by passing order below Exh. 1 dated 1/12/2023, matter was proceeded further Ex-party against Respondents and interim application was also decided in favour of the applicant on 15/03/2024 vide order below Exh. 5. It is to be noted that respondents were appeared in the matter through their advocate on 16/07/2025. However, thereafter also, they have not filed the application for setting aside Ex-party order despite giving sufficient opportunities. After lapse of three dates i.e. 16/07/2025, 30/07/2025 and 13/08/2025, respondents filed present application for setting aside Ex-party order. It shows negligent approach of the respondents towards the proceedings of present matter. Further, despite giving directions to the Respondents in the order dated 15/03/2024, they have failed to comply it and have not paid any amount of interim maintenance to the applicant.

5. Thus, from the aforesaid observation, I found that there is substantial delay in filing the present application for setting aside Ex-party order against respondents. However, if the present application is

rejected, then it may results into breach of principle of natural justice and also cause prejudice to the respondents as they will not get equal opportunity of hearing. As far as, the delay is concerned, it can be compensated in terms of money by imposing appropriate costs and as in respect of interim maintenance amount, the applicant is empowered to take appropriate legal recourse of recovery of such outstanding amount. Therefore, I found that it is necessary to allow present application subject to appropriate costs. Hence, I pass the following order:-

ORDER

1. The application for setting aside Ex-party order (Exh. 35) is hereby allowed subject to costs of Rs. 5,000/- (Rs. Five Thousands only) payable to the applicant by the non-applicants jointly or severally on or before next date.
2. Ex-party order passed on 01-12-2023 against non-applicant nos. 1 to 3 is hereby set aside and permission to file Reply to the application (Exh.1)is hereby allowed subject to compliance of directions given in clause no. 1 of this order.
3. Failing to compliance this order, shall automatically amounts to restoration of order dated 1/12/2023 passed below Exh. 1.
4. Both parties are directed to take note of this order.

Date : 05-12-2025

(V. S. Mendhe)
Judicial Magistrate First Class
Deori

CERTIFICATE

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

Name of the Stenographer : Sanjiwan Waman Malame
Court Name : Smt. S. V. Charde
Civil Judge J.D. &
J.M.F.C., Deori
Date : 05.12.2025
Order signed by the
presiding officer on : 05.12.2025
Order uploaded on : 05.12.2025