



**ORDER PASSED BELOW EXH.33**  
**IN CIVIL MISC. APPLICATION NO.47/2023**

[ CNR No.MHKO090003772023 ]

The present application is filed by the non-applicant no.3 for setting-aside 'No-Say' order passed against him. In short, it is the contention of non-applicant no.3 that he could not get the relevant documents. Therefore, within time, the say could not be filed. The delay to file the say is not intentional, but due to unavoidable circumstances. With this submission, the non-applicant no.3 prayed for setting-aside No Say order.

2. The present application is strongly opposed by the applicant on the ground that the present application is filed after lapse of 1 year and 4 months. Therefore, the reason mentioned by the non-applicant is not just and proper. Due to inordinate delay, the application is liable to be rejected.

3. Perused the proceeding. This is not a Regular Civil Suit, to which the extension of time to the extent of 90 days can be given. This is Miscellaneous Application and need to be tried expeditiously. If for the period of months, the proceeding is awaited only for the say, then the whole purpose of filing Miscellaneous Application will be frustrated. Therefore, in such

circumstances, the application is liable to be rejected. However, the present proceeding is regarding the heirship. Therefore, it will always be desirable to give fair opportunity to all interested persons so that the matter in issue can be decided. Hence, I pass the following order :-

**ORDER**

- 1] The application is allowed subject to the cost of Rs.500/- (In Words Rupees Five Hundred Only) payable to the applicant.
- 2] No-say order passed against non-applicant no.3 is set-aside and his say will be taken on record.

Place : Gadhinglaj.  
Date : 17.06.2025.

( N. S. Puri )  
Civil Judge Senior Division,  
Gadhinglaj