

MHKO110001122024



**P.W.D.V A. No. 03/2024.**  
(CNR No.MHKO110001122024)

**Order Below Exh.15.**

(Gayatri Shubham Kamble Vs Shubham Babu Kamble)

Non applicants no.1 to 4, made the instant application with the prayer to set aside 'No-say' and 'No Cross' order passed against them.

02. They further submitted that, due to an accident non-applicant no.1 was admitted in the hospital and other non-applicants were busy in his treatment. So, it was not possible to them to meet their advocate and give him case related documents. Hence, they failed to file their say and to conduct the cross examination of the applicant within stipulated period. If permission denied to them to file their say and to conduct the cross-examination of the applicant, prejudice will be caused to their right and interest in the original application. Hence, they made the instant application with the prayer to set aside 'No Say' and 'No Cross' order passed against them.

03. Applicant failed to file her say on the present application. Hence, present application is proceeded further without her say.

04. Perused application and record. Heard to learned advocate appearing for the non-applicants.

05. It is necessary to mention here that, to finally decide the issue involved in the original application, it will be in the interest of the justice to have on record the say of non-applicant. It is also settled law of natural justice that, before passing any order against or in favour of the opposite party to the hearing, then an opportunity must be given to file his submission either oral or written on record. Moreover, the cross-examination is the best weapon in the hand of the party to bring on record the true facts relating to the proceeding before the Court and to establish their case. On the other hand to decide the dispute involved in the case finally on the merit, it is also necessary to have on record the through cross-examination of either parties to the proceeding. For that purpose also an opportunity needs to be given to the either party to conduct the cross-examination of the opposite party's witnesses.

06. No prejudice will be caused to the applicant if leave is granted to the non-applicants to file their say on the record and to conduct the cross-examination of applicant. Per-contra, it will be helpful for the court to finally decide the original application by considering the merits and demerits of both the parties. So, considering above discussion I am of the opinion that, it is necessary to set aside the 'No Say' and 'No Cross' order passed against non-applicants. Hence, considering above discussion, I proceed to pass following order :-

**ORDER.**

1. Application is allowed.
2. “No Say” order passed against non-applicants no.1 to 4, dated 05/08/2024 is hereby set aside.
3. “No Cross” order passed against non-applicants no.1 to 4, dated 27/11/2024 is hereby set aside.
4. Application is disposed off accordingly.

Date – 25/08/2025.

**(Shrinivas A. Kulkarni.)**  
Judicial Magistrate First Class,  
Peth-Vadgaon.