


MHKO110020162024 	<u>CIVIL M.A. No. 36/2024</u> <u>Bapu Biru Dhangar (Vakase)</u> <u>Vs.</u> <u>Dnyanu Babu Vakase (Deceased Lr)</u>
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ORDER BELOW EXH. 21

By this application the opponents wants to set aside 'no say order' passed against them.

02. It is contended by the opponents that, the main application filed by the applicant for restoration of suit against opponents. The summons were served to opponents on 13.01.2025 and they are appeared in the present matter through their advocate on 22.01.2025. As opponents are illiterate, they having no knowledge about the Court proceedings. There is no deliberate delay by the opponents. No prejudice will be caused to the applicant, if present application is allowed. Hence, for the reasons mentioned in the application, defendants prayed to allow the application.

03. The applicant filed his say overleaf of the application and contended that, the contents in present application are false. No cogent reasons for delay are stated in the application and it is not supported by any evidence. Hence, prayed to reject the application.

04. Perused the record. Heard Ld. advocate for both sides.

05. As per the principle of natural justice and to contest the matter both the parties must be heard. The reason mentioned in the application, appears to be sufficient. Hence, in the interest of justice

and to avoid multiplicity of proceedings, delay for filing written say is condoned. However, delay caused by opponents cannot be ignored, hence, application deserves to be allowed with costs. In the result, I pass following order-

ORDER

1. Present application(Exh. 21) is allowed.
2. "No say" order passed against the opponents stands set aside and they allowed to submit their written say subject to costs of Rs. 700/- (Rupees Seven Hundred Only) payable to applicant.

Date : 10/03/2026
Peth-Vadgaon.

(J. N. Bhasme)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.