

ORDER BELOW EXH- 77.

Plaintiff has filed this application through his power of attorney holder for setting aside no say order passed below Exh. 73. It is contention of plaintiff that, on 03.02.2024 he was admitted at Athayu Hospital, Kolhpur and operated on 05.02.2024 for bi-pass surgery. However, meanwhile due to paralysis attack is bed ridden and unable to attend court proceeding. Thus, considering his medical reasons prayed to set aside no say order and accept his say for judge decision of application.

2. Defendant has strongly opposed the application and contended that, the reasons given in the application are not justifiable. Thus, prayed to reject the application.

3. I have heard both sides while filing application and say. Perused record, it is not disputed that, plaintiff failed to file his say despite availing opportunity. Herein, plaintiff supported his contention by filing medical papers on record. As per medical papers, plaintiff was diagnose triple vessel disease. Thereafter, it found that, his right anterior cerebral artery infract. Thus, he was advice to bed rest.

4. Plaintiff with this application filed copy of his say. The reason sought by plaintiff is supported by document. Hence, for just decision of application the prayer of plaintiff deserve to be allowed. No prejudice would be caused to the defendant if application allowed. If it rejected, it will amount no fair opportunity has been given to the

plaintiff. Thus, considering the principal of natural justice, I pass following order,

ORDER

1. Application is allowed.
2. No say order passed below Exh. 73 is set aside and say filed by plaintiff is hereby accepted.
3. Parties to take note and argue over application on next date without fail.

Place- Ajara.
Date- 03.08.2024.

(R. P. Thore)
J.O.Code No.MH02897
Civil Judge, Junior Division,
Ajara.