



Order Below Exh.55 In Final Decree Appln.
No.10/2017
(Malutai Magdum v. Bakula Magdum and Ors.)

Non-applicant Nos.1 and 2 have filed present application for setting aside 'no say' order passed against them on Court Commissioner's Report (Exh.52).

02. Non-applicant Nos.1 and 2 contended that, their advocate is out of station, hence they could not file their say on Court Commissioner's Report (Exh.52) on 21.01.2026. Hence, no say order came to be passed against them below Court Commissioner's Report (Exh.52) on 21.01.2026. They further contended that, their say is necessary for the just decision of Court Commissioner's Report (Exh.52). Hence, their say may be taken on record. They lastly prayed that, the application may be allowed.

03. The applicant has strongly resisted present application by filing her say on it's overleaf. She contended that, non-applicant Nos.1 and 2 are trying to delay execution of the decree. The application is devoid of merits. Hence, she prayed that, the application may be rejected.

04. Heard learned advocates for both parties at length. They have argued in consonance of their contentions.

05. On perusal of record and proceeding it appears that, in spite of ample opportunities being given, non-applicant Nos.1 and 2 failed to file their say on Court Commissioner's Report (Exh.52). However, in view of reasons mentioned in present application, submissions of both sides and considering nature of the suit, it would be just and proper to give opportunity to non-applicant Nos.1 and 2 to contest Court Commissioner's Report (Exh.52) on merit by filing on record their say. Non-applicant

Nos.1 and 2 have filed present application after considerable lapse of time. However, the delay caused by non-applicant Nos.1 and 2 can be compensated by imposing cost upon them. Considering the delay caused, it would be just and proper to impose cost of Rs.200/- on non-applicant Nos.1 and 2, which shall be payable to the applicant. Resultantly, I pass following order :-

:: ORDER ::

1. Application (Exh.55) is hereby allowed subject to cost of Rs.200/- (Rupees Two Hundred Only) payable to the applicant.
2. Payment of cost shall be condition precedent for taking on record say of non-applicant Nos.1 and 2 on Court Commissioner's Report (Exh.52).
3. Accordingly, application (Exh.55) is disposed of.

(Dictated and pronounced in the Open Court).

Date : 03.02.2026.

(Balasaheb S. Gaikwad)
Civil Judge, Junior Division,
Kurundwad.