



Order below Exh. 101 in R.D.No. 53/2017

This is an application made by J.D.No.2 for time to file say to Exh.1. It is contended that today the matter is pending for filing say to Exh.1. However, J.D.No.2 has not obtained certified copies of documents. Hence, he is not able to file say to Exh.1. Ultimately, he prayed for time to file say to Exh.1.

02. The D.H. has filed say on overleaf of application and asserted that J.D.No.2 has filed application on 20-03-2021 for setting aside No-say/ Ex-party order. On that day itself J.D.No.2 ought to have filed his say but he has not done so. Even on 18-02-2019 he was present along with advocate. But he has not attempted to file say. Thus, J.D. No. 2 has full knowledge about the proceeding. As such, J.D. No.2 causing harassment of D.H. On these grounds D.H. has prayed to reject the application.

03. Heard both sides. It appears from record of the proceeding that despite having knowledge of execution proceeding J.D.No.2 did not file his say to original execution proceeding from 16-02-2019. Thus, J.D.No.2 had sufficient opportunity to file his say by obtaining necessary copies of

documents. However, till today he has not filed say and not assigned sufficient reason for non filing say to Exh.1 by him. As such, no sufficient and satisfactory reason is shown by J.D.No.2 for non filing say to original execution proceeding. Hence following order.

ORDER

1. The application is rejected.
2. No order as to costs.

Kale-Kheriwade.
Date : 04/10/2021.

(V. V. Khulape)
Civil judge Junior Division,
Kale-Kheriwade.