



PWDVA Appl. No.22/2023
Anjali Vs. Ravi and ors.

ORDER BELOW EXH.25

1. This is an application filed by respondents for setting aside the 'No Say Order' passed against them below Exh.1 dated 06.02.2024.
2. It is the contention of the respondents that respondent No.1 had been residing in Mumbai, and as the notice is served at Nideban based address, he couldn't get knowledge about the same within time. Further other respondents have been residing at different addresses, and therefore notice did not served duly upon them. Meantime on 06.02.2024 and 21.03.2024 the Court was pleased to pass the impugned order and thereby directed to proceed ex parte against the instant applicants. If they are not permitted to participate in the proceeding they would cause such a loss which cannot be compensated in terms of money. Ultimately, they have prayed to allow the instant application and be permitted to file say on record.
3. The applicant has filed her say overleaf the application and thereby strongly objected the application under reply stating therein that the reason put forth by the respondents is unsupported by any documents. The instant proceeding is filed on 03.03.2023 and the respondents have taken about one and half year to appear in the case. Ultimately it is prayed that the application be rejected.
4. Heard both sides for some time. Perused the record. Perusal of the record reveals that the main application came to be filed way back in the year 2023 and the impugned orders came to be passed on 06.02.2024 and 21.03.2024. The instant application is moved on 17.10.2025. The reason put forth for delay does not seem to be justifiable and plausible. Though the respondents have moved this application after almost one and half years of passing the impugned order, still considering the aim and objects of the PWDV Act, the said delay could be safely termed as inordinate. Further the reason is unsupported by any documents or even situation as well.

5. Be that as it may, an opportunity needs to be extended to respondents No.1 to 6 to participate in the proceeding. Further, it would result in effective execution of orders hereinafter passed. Thus, by observing principles of natural justice, the application needs to be allowed. At the same time delay caused and protraction resulted due to the act of the respondents needs to be taken care of by imposing costs on the failure party. Hence, the application is allowed by setting aside orders dated 06.02.2024 and 21.03.2024, subject to costs of Rs.1,500/- to be paid to the applicant on today itself. Payment of costs is condition precedent. Order accordingly.

Date : 07.11.2025

(Bhalchandra R. Zende)
Judicial Magistrate (F.C.),
(Court No.3), Udgir.