

ORDER BELOW EXH. 12

1. This is an application filed by respondents for setting aside the 'No Say Order' passed against them below Exh.1.
2. It is the contention of the respondents that they came to be served with the notice of the instant application, however since the compromise talks were going on in the instant proceeding, they were unable to file the say. Further they have submitted that his said act is unintentional and accidental one. 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/written statement on record.
3. The applicant has filed her say overleaf the application and thereby strongly objected the application under reply and thereby stated that the reason put forth by the respondents is unsupported by any documents. The application is at nascent stage and the respondents have taken much more time. Ultimately, she has prayed for rejection of application by imposing costs.
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 2025 and the impugned order came to be passed on 13.03.2026. The instant application is moved on 14.02.2026. The reason for delay put forth by the respondents is that since the compromise talks were going on in the instant proceeding, they couldn't file their say within stipulated period. Though the respondents have put forth this reason, 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 the respondents 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 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 : 27.04.2026

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