

MHLA110000452024



ORDER BELOW EXH.17 IN
CIVIL M.A. NO.11/2024
JYOTIRAM VS. BHARATBAI

1. This is an application for setting aside no say order passed against respondent.
2. Read application and say filed thereon. Heard Learned Counsel for both sides.
3. The application for setting aside no say order is supported by the affidavit of respondent. *Audi Alteram partem* i.e. no one should be condemn unheard is basic principle of the natural justice. In these circumstances, no serious prejudice will be caused to applicant, if no say order passed against respondents is set-aside. Hence, considering the reasons mentioned in the application and to decide the case on merits, application deserves to be allowed. However, as this application is belatedly filed by the respondent when the matter is pending for final argument, it needs to be allowed on heavy costs. Thus, I pass the following order:

ORDER

- 1) Application at Exhibit No.17 is hereby allowed.
- 2) No say order passed against respondent is set aside subject to cost of Rs.1,000/- (Rs. One Thousand only) payable to applicant till next date, without any fail.

Dt.:- 19/09/2025

Jt. Civil Judge Sr. Dn., Nilanga.