



ORDER BELOW EXH.17

1. The non-applicant has filed the present application praying that no say order passed against him be set aside and thereby he may be permitted to file his say by condoning the delay.

2. It is contended by the non-applicant that he is residing at Pune. Therefore, he failed to collect the documents and filed his say. Thus, no say order came to be passed against him. Therefore, he prayed for allowing the application.

3. Per contra, the applicant has filed her say on the application itself contending that contents in the application are not true. The applicant appeared on 13.08.2024. He has given sufficient time to adduce his evidence. The application is filed to prolong the hearing of this application. The application is not supported by any document. Thus, the application may be rejected with heavy costs.

4. I have heard the Ld. Advocates for the respective parties at length.

5. Perused the record, it appears that the present proceeding is filed under Section 125 of Cr.P.C. Non-applicant has served the summons and he appeared on 03/08/2024 by filing his vakalatnama at Exh.12. He has given opportunity to file his say till 22.11.2024. He failed to file his say within limitation. Hence no say order passed against him on 22.11.2024. The applicant adduced her chief examination on 24.01.2025. No cross order

passed against non-applicant on 24.01.2025. Now, the matter is posted for further evidence of applicant. Then, this application is put up by the non-applicant. The record discloses that the non-applicant has given sufficient time and opportunity to file his say. The application is non supported by any documentary evidence. The non-applicants failed to file his say within stipulated period. Hence, no say order passed and step by step the matter is posted for further evidence of applicant. If the application is rejected then non-applicant definitely will suffer irreparable loss as he will be deprived from putting his say, however, if application is allowed, then applicant will not suffer any loss except delay. Further, applicant get will opportunity to contest the application on its merit. Therefore, considering the reason mentioned in the application, it will be proper to allow the application subject to cost. Considering the stage of application on which this application is put up, definitely the applicant is suffered by the delay. Hence, It will be proper to allow this application subject to costs of Rs.500/-. Resultantly, I pass the following order;

ORDER

1. Application is allowed.
2. No say order passed against the non-applicant is hereby set aside and delay to file his say is condoned after payment of cost of Rs.500/-.
3. After payment of costs of Rs.500/-, say of non-applicant be read and recorded.

Date 07/03/2025

(Smt.A. S. Gunjawate)
Judicial Magistrate First Class,
(Court No.2), Nilanga.