


MHLA160000772009 	<u>R.C.S.No.59/2009</u> <u>Shakuntalabai Vs. Venkat & Ors.</u>
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ORDER BELOW EXH.96

This is application to set aside No Say order and permission to file say for application Exh.82.

2. Heard learned Advocate Shri. Somwad on behalf of Advocate Shri. B.V. Patil for proposed defendant No.2 Harishchandra and learned Advocate Bodake on behalf of Advocate Shri. Sankaye for the plaintiff at length.

3. I have carefully gone through the record. The proposed defendant failed to file say to the application Exh.82. Therefore I pass no say order on 11/12/2025. This application disclosed reason of document was not received. But the alleged documents are not filed with this application or the proposed defendant does not disclose that document. Therefore, the reason is general and well within his control. He tried to prolong the matter.

4. Considering nature of suit, its subject i.e. landed property and to decide the right and liabilities, he has to grant an opportunity to contest the application and put forth his defence. For that purpose, need to go through the settled principle of law. An opportunity is the back bone of justice and if it is refused, there is every possibility of miscarriage of justice. It is an important to mention that, the law and rules of procedure are always hand-maid of justice and not suppose to defeat ends of justice. So, imposing heavy cost will meet the ends of justice. Considering the nature of application and need of opportunity to contests the same, this application is deserved to be

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allowed. Therefore, I reached to the conclusion that, proposed defendant has to grant an opportunity for filing say subject to costs. Hence, I pass the following order.

-:: ORDER ::-

1. The application is allowed, set aside no say order dated 11/12/2025 and proposed defendant Harishchandra is permitted to file say subject to cost Rs.500/-.
2. The proposed defendant shall pay cost to the plaintiff forthwith, failing which, order will be automatically cancelled.
3. Both parties shall expedite the suit and should not claim undue adjournment.
4. Order dictated on computer and pronounced in open court.

Date- 15/12/2025
Deoni.

(S.A. Surjuse)
Civil Judge Junior Division,
Deoni.