

MHLA160006452025 	<u>PWDV No.03/2025</u> <u>Kanchan Vs. Madhusudan & Ors.</u>
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ORDER BELOW EXH.11

This is application for permission to file written statement.

2. Heard learned Advocate Shri. S. K. Malbhage for respondents at length. The applicant and her advocate are absent and failed to file her say. Therefore this application proceeded further without say.

3. I have carefully gone through the record. The applicant claimed reliefs under the provisions of Protection of Women from Domestic Violence Act. The respondent failed to file written statement. There is delay of one month twenty six days. This application does not disclose reason of delay. The application is vague. The respondents tried to prolong the suit.

4. Considering nature of case, its subject and to decide the right and liabilities, the respondents have to grant an opportunity to contest the case and put forth their defence. For that purpose, need to go through the settled principle of law. An opportunity is the backbone of justice and if it is refused, there is every possibility of miscarriage of justice. It is an important to mention here that, the law and rules of procedure are always handmaiden of justice and not suppose to defeat ends of justice. So, imposing heavy cost will meet the ends of justice. This application is deserved to be allowed. I reached to the conclusion that, respondents have to grant an

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opportunity for filing written statement, subject to costs. Hence, I pass the following order.

-:: ORDER ::-

1. The application is allowed and respondents are permitted to file written statement subject to cost Rs.1000/-.
2. The respondents shall pay cost to the applicant till next date, 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- 16/02/2026
Deoni.

(S.A. Surjuse)
Judicial Magistrate F.C.,
Deoni.