

Order below Exh. 8 in MCA No.498/18

This is an application filed by non-applicant for setting aside no say order dated 2/08/2019 and for permission to file say on record.

2. It is the contention of the non-applicant that the present matter is fixed for evidence. Due to ill health of the Ld. Advocate for the non-applicant he could not file Vakalatnama on previous date. The non-applicant wanted to file reply and defend himself. Therefore, he has prayed for setting aside the order dated 2/08/2019 and for permission to file say on record.

3. The applicant filed his say on the application himself and objected the application by stating that on 7/05/2019 the non-applicant is served with the notice but he failed to remain present. The non-applicant is not remaining present personally. His father is remaining present before Court. The father of the non-applicant is not party to the proceeding. Therefore, the applicant prayed for rejection of the application.

4. Heard both sides. Perused the record. The non-applicant is having valuable rights in the present case. If, the present case is proceeded without say of the non-applicant, then it will cause prejudice to his rights. Moreover, the matter will not be adjudicated upon merits. Therefore, for proper adjudication of the matter and for avoiding multiplicity in the proceeding the application deserves to be allowed. It can be compensated by saddling cost on the non-applicant. In the result, I pass following order.

ORDER

1. The application is allowed and the non-applicant is permitted to file say on record subject to costs of Rs.300/- (Three Hundred only) payable to the applicant.
2. Both parties to take note of this order.

Dated : 5-09-2019

(S.S. Gadve)
Jt. Civil Judge, Jr. Division,
Kamptee.