

**Cri.M.A.85/2021**  
**Shital V/s. Vikas**  
**MHNS230006382021**

**ORDER BELOW EXHIBIT-10**

The non applicant has filed this application for setting aside ex-parte order and for permission to file his reply.

**02** Read application Exh.10 and reply at Exh.12. Heard learned Counsels for both parties. They have argued as per contention in the application as well as in the reply.

**03** On perusal of record it appears that on dated 10.11.2021, the learned Counsel for the non applicant has filed pursis stating about appearance of non applicant in the matter. However, due to absence of non applicant, she has failed to file Vakalatnama on record. As the non applicant has not appeared in the matter, ex-parte order has been passed against him on 02.12.2021. Thereafter, the case fixed for evidence of the applicant. The applicant has filed her evidence on Exh.08 on 13.12.2021. On the same day, the non applicant has filed the present application, along with his reply. The non applicant has stated in the application that he is resident of Madhya Pradesh. Due to strike of buses in Maharashtra he has failed to appear in the matter. The application is supported by affidavit of the non applicant. This court can take judicial note of this situation of strike of buses. Therefore, the reason assigned by the non applicant appears to be proper. However, the applicant can be compensated for the delay caused. Therefore, it would be proper to give an opportunity to the non applicant to put his case by filing his reply. Hence, I pass the following order.

**ORDER**

1. The application is allowed.
2. Ex-parte order dated 02.12.2021 be set aside and the non applicant is permitted to file his reply subject to payment of cost of Rs.500/- to the applicant.

Date :- 05.07.2022

(M. M. Alone)  
Judicial Magistrate First Class,  
Igatpuri