

ORDER BELOW EXH. 15 IN Civ.M.A.No. 323/2023.

1] The present application is filed by non applicant No. 2 for accepting say to the application.

2] Non applicant No. 2 contended that, the present application is filed under Order 33 Rule 1 & 2 of the Code of Civil Procedure. Notice of the application was duly served on him. But, due to his old age and agricultural work, he unable to appear and file his say withing a prescribed period. Therefore, prayed to accept the say.

3] On the contrary, applicants have filed their say on application itself and contended that, notice of the application duly served on the non applicant. But he failed to appear and file his say to the application within stipulated period. Reasons mentioned in the application are vague. Therefore, prayed to rejected the application.

4] Heard, Ld. Counsel S. S. Pawar for the non applicant No. 2 and Ld. Counsel R. M. Ingale for applicants. As consider record and documents along with application, the application was instituted dated 20/07/2023. As consider record non applicant No. 2 failed to file his say. It is sufficient to show that various opportunities availed by non applicant No. 2 for filing his say. But record never reflects about his due diligence for filing his say. However, as consider every party regard to the application must be heard prior to just decision of an application. Hence, it is probable to pass following order.

ORDER

1] Application is allowed.

2] No say order against non applicant No. 2 is hereby set asided.

- 3] Both parties to take of the order and proceeded to the application immediately.
- 4] No order as to costs.

Date:- 13/03/2024
Omerga.

Sd/-
(Geeta P. Bankar)
Jt. Civil Judge Junior Division,
Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	---	Shri. A.M.Wagh
Court	---	Jt.C.J.J.D. & J.M.F.C., Omerga.
Date	---	13/03/2023
Order signed by the Presiding Officer on	---	13/03/2023
Order uploaded on	---	14/03/2023