

ORDER BELOW EX. 18
(Passed On 07th March 2025)

1. This is an application for setting aside No WS order and permission to file written statement on record filed by respondent.

2. Perused the application and read the reply. I have heard Mr. S.S. Tambe learned counsel for respondent and Mr. K.S. Ovhal learned counsel for petitioner.

3. Mr. Tambe learned counsel for respondent submitted that petitioner has filed present divorce proceeding against respondent. Mr. Tambe submitted that respondent failed to appear in court and thus No WS order was passed against him on 19-04-2024. Mr. Tambe submitted in absence of written statement of respondent he would suffer irreparable loss. Mr. Tambe submitted in consonance to his application and prayed to set aside order of No WS Order against respondent and to permit respondent to file written statement on record and accordingly prayed to allow the instant application.

4. Mr. Ovhal learned counsel for petitioner vehemently opposed the instant application and submitted that the instant application at this stage is not maintainable. Mr. Ovhal submitted that respondent is negligent and careless in the instant matter though summons were served on him and he had appeared through his counsel. Mr. Ovhal submitted that Court had passed order of NO WS on 19-04-2024 and present application is filed on 07-03-2025 this itself reveals the vigilance and diligence of respondent in contesting the present matter. Mr. Ovhal submitted that present application is filed on 07-03-2025 that too after lapse of stipulated period of limitation of filing WS with ulterior motive just to harass petitioner and to

prolong the present matter. Mr. Ovhal submitted in consonance to his reply and prayed to out rightly reject it with heavy cost.

5. On perusal of record it reveals that NO WS Order was passed against respondent on 19-04-2024 and present application is filed on 07-03-2025. The instant matter is of the year 2023 and though present application is filed after lapse of stipulated period of limitation of filing WS but an opportunity needs to be given to respondent to contest the present proceeding. It is also pertinent to mention that no prejudice as such would be caused to petitioner if he is compensated by cost. On the basis of arguments of rival sides, I am of the opinion that instant application needs to be allowed in the interest of justice. In the result, I am inclined to pass following order.

ORDER

1. The application at Ex. 18 is allowed subject to payment of cost of Rs. 350/- (Three Hundred and Fifty Rupees Only) to other side and Rs. 350/- (Three Hundred and Fifty Rupees Only) in TLSA. On failure to pay cost to petitioner/deposit costs in Court and in TLSA instant matter would proceed further in accordance with law.

2. Respondent is allowed to file his written statement on record, after payment of cost.

Place:- Kallam

Date:- 07/03/2025

(N. A Ingley)
Civil Judge Senior Division
Kallam

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	-	S.R. Kale Stenographer (Grade-II)
Court	-	Civil Court, Senior Division, Kallam.
Date	-	07-03-2025
Order signed by the Presiding Officer on	-	07-03-2025
Order uploaded on	-	10-03-2025