

Order below Exh. 13 in Cri. M.A. No.107/2024

Rohini Lembhe Vs. Abhijit Lembhe

(Passed on 31/01/2026)

The present application is filed by the respondent for setting aside no say order passed in the proceedings initiated under Section 144 of Cr.P.C. and for permission to file reply.

2] It is contended by the respondent that though notice of the proceedings was served, due to unavoidable circumstances and lack of proper understanding of the court dates, he could not remain present and file his say in time. The absence was neither intentional nor deliberate and if the no say order is not set aside, he would be deprived of a fair opportunity of hearing in the matter.

3] The applicant has opposed the said application by filing say at Exh. 15 by contending that the respondent was well aware of the proceedings and despite sufficient opportunity, failed to file reply and therefore the application deserves to be rejected.

4] I have carefully considered the rival contentions and perused the application and say.

5] It appears that the proceedings under Section 144 of Cr.P.C. are still at an initial stage and the matter is yet to be decided on merits. The object of the court is to afford reasonable opportunity to both the parties and to adjudicate the dispute effectively. Though negligence is alleged by the applicant, no material is placed on record to show that the respondent deliberately avoided the

proceedings with mala fide intention. Refusal to set aside the no say order would result in denial of opportunity of hearing, whereas permitting the respondent to file say would not cause any serious prejudice to the applicant, which can be compensated by cost. Hence, I pass following order -

ORDER

- 1] The application (Exh. 13) is allowed subject to a cost of Rs.1000/- to be paid to applicant.
- 2] The no say order is hereby set aside.
- 3] The say of respondent be accepted after payment of the cost.

Date : 31-01-2026.

Place : Bhore, Pune

[Smt. Meena W. Jadhav]

Judicial Magistrate F. C., Bhore

CERTIFICATE

I affirms that the contents of this P. D. F. file order are same word for word as per original order.

Name of the Court :- Hon'ble Smt. Meena V. Jadhav
Jt. C.J.J.D. & J.M.F.C., Bhore, Pune

Name of the Steno :- M. S. Kondhare L.G.

Date of Order :- 31-01-2026

Signed by P.O. :- 31-01-2026

Order uploaded on :- 31-01-2026