

E-filing**Cri. Misc. Appln. No. 31/2024**

(Sonal Swapnil Jain & Anr. Vs Swapnil Sanjay Jain)

(CNR No. MHPU170027612024)

1. This is an application made by non-applicant to condone the delay of 07 months and permit to file his say on record.
2. Learned advocate for the non-applicant has submitted that non-applicant is resident beyond jurisdiction of this Court i.e. Jalgaon district. Therefore, in collecting the necessary documents required for preparing say, he could not file his say in the proceeding. Accordingly, delay of 7 months has been caused to non-applicant for filing his say on record. However, said delay is unintentional much less deliberate. However, in order to resolve the controversy between the parties on merit, it is necessary to file say of non-applicant on record. Hence, prayed to allow the present application.
3. On the other hand, present application has been strongly objected by the applicant by filing common Say below Exh.24. Learned advocate for the applicant has submitted that, the contents of present application are false and no sufficient cause has been mentioned in the application for the delay. It is further contended that though, non-applicant has appeared before this Court but intentionally not filed his say to the application of interim maintenance and also to the main application. He has been intentionally prolonging the matter. Lastly, prayed to reject the application or in alternate prayed for Rs. 30,000/- as a costs from non-applicant.
4. Heard both sides. I have also perused the application, Say as well as gone through the record.

5. It is seen that, the applicant has filed present application under sections 144(1) of the BNSS, 2023 against non-applicant. In my considered view, in order to adjudicate the matter at once on merit, one fair opportunity needs to be given to non-applicant to file his say / defence on record. Admittedly, no prejudice would be caused to the applicant. In fact, it would be helpful to decide the controversy between the parties upon merit. Consequently, I proceed to pass following order -

ORDER

- 1) Application Exh.18 is allowed subject to costs of Rs.1000/- (Rupees One Thousand Only).
- 2) Say of non-applicant shall be taken on record after payment of the costs.

Indapur
Date : 19/01/2026

(M.H. Farooqui)
Judicial Magistrate First Class,
Indapur, Dist. Pune (Court No.2).

CERTIFICATE

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

Name of Steno. :- Shri. Chalwade G.S. (Stenographer-3)

Court Name :- Shri. M.H. Farooqui,
2nd Jt. Civil Judge (Jr. Dn.) and
J.M.F.C., Indapur, Dist. Pune.

Date :- 19/01/2026

Order signed by the :- 19/01/2026
presiding officer on

Order uploaded on :- 20/01/2026