

**E-file****ORDER BELOW EXH. 20 IN Cr.M.A. NO. 31/2024**

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

(CNR No. MHPU170027612024)

1. This is an application filed by non-applicant seeking set aside of “Ex-parte” order passed against him below Exh.1 dated 11/03/2025.
2. Learned advocate for the non-applicant has submitted that, non-applicant has been served with notice of the application. He resident of Jalgaon district which is beyond jurisdiction of this Court. Due to non-availability of necessary documents, he could not appear before the Court and file his say. Hence, ‘Ex-parte’ order came to be passed against him. However, it is necessary to set aside the impugned order against him so that he get an opportunity to contest the application on merit. Lastly, 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. Wherein, it is contended that the contents and grounds raised in present application are false and improper. It is further contended that non-applicant is intentionally trying to prolong the proceeding. Lastly, prayed to reject the application or in alternate prayed Rs.30,000/- as a costs from non-applicant.
4. Heard both sides. Perused the application and say. It appears that main proceeding has been filed under section 144(1) of the BNNS,2023. The notice was duly served upon the non-applicant but he failed to appear before Court. Hence, on 11/03/2025 ‘Ex-parte order’ came to be passed against him.
5. It is admitted fact that non-applicant is resident of beyond the jurisdiction of this Court. It is well settled that no one should be condemned unheard and opportunity of natural justice should be given to everyone. In order to enable the court to effectively decide the matter, it is necessary to set aside Ex-parte order dated 11/03/2025 passed against non-applicant. Obviously, this would never cause any prejudice to the applicant.

Hence, I pass the following order.

**ORDER**

1. Application Exh.20 is allowed subject to cost of Rs.1,000/-.
2. The impugned order dated 11/03/2025 passed against the non-applicant is hereby set aside.

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,  
2<sup>nd</sup> 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 :- 21/01/2026