

MHPU180014012024



PWDVA No.23/2024

Sana

Vs.

Mujib

ORDER BELOW EXH.18.

(Passed On 18/09/2025)

The respondents have filed an application seeking to set aside the no say order. They submit that due to technical difficulties, they were unable to file their say on record within the prescribed time. Accordingly, they pray for permission to place their written statement and say on record by setting aside the order.

2. Conversely, the applicants have opposed the said application by filing their say below Exhibit 20. They contend that the respondents had already appeared in the matter and had previously filed an application below Exhibit 13, dated 06/08/2024. Therefore, they were fully aware of the proceedings. However, the respondents deliberately failed to file say to the application in a timely manner. Thus, the present application is not maintainable and is liable to be dismissed.

3. Heard Ld. Advocate for the applicants. Despite repeated calls, the respondents and their Ld. Advocate remained absent. Hence, this application is being decided on merits. It is an admitted position that the respondents failed to file their say to the application. It is also undisputed that they had filed an earlier application below Exhibit 30, on which the Court had already passed an order. The present application does not disclose any specific or satisfactory reason for their failure to file the say within

time. However, it is a settled principle of law that matters should be adjudicated on merits rather than proceed without say on technical grounds. Delay may be condoned upon imposition of appropriate costs on the defaulting party. In the present case, considering the circumstances and the delay caused, this Court is of the opinion that costs of Rs. 500/- would meet the ends of justice. Thus, I pass the following order.

ORDER

- 1) The application below Exhibit 18 is hereby allowed, subject to the respondents paying costs of Rs.500/- to the Applicants on or before the next date of hearing.
- 2) Upon such compliance, permission is granted to the Respondents to file their say by setting aside the no say order.

Daund.
Date : 18/09/2025

(A. S. Shaikh)
Judicial Magistrate First Class,
(Court No.4) Daund.

CERTIFICATE

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

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (A. S. Shaikh) 4 th Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 4) Daund.
Order / Judgment date	:- 18/09/2025
Order / Judgment singed by	:- 18/09/2025
the Presiding Officer on	
Order/ Judgment uploaded on :-	19/09/2025