

Order below Exh.12.

1. This applications is filed on behalf of opponent for setting aside No say order. Ld. advocate of the applicant resisted the application on the ground of delay.
2. It has been contended on behalf of opponent that, opponent could not file his say within stipulated period as he is serving at Nandura, Buldhana which is more that 470 km from Junnar. The opponent is in service, due to his work he could not file his say. On the other hand applicant contended that sufficient time is provided to opponent for filling his say. In alternative applicant prayed for Rs. 50,000/- cost.
3. Suit summons is served on the opponent and he appeared through advocate on dated 11/11/2025 but failed to file say within stipulated period. The applicant filed an application for restoration of plaint under order 9 rule 9 of Code of Civil Procedure, 1908. The reason that due opponent posted at Nandura Dist. Buldhana is failed to file say within stipulated period is not proper and sufficient opportunity is given to opponent. It is seen that, opponent has caused delay deliberately. However in order to decide the rights of the parties conclusively say needs to be accepted. It would be apposite to decide the matter on merit. Hence, I proceed to pass the following order.

ORDER

- 1 The application is allowed.
- 2 No say order set aside subject to cost of Rs 4,000/- to the applicant.

Date : 25.05.2026.

(Namrata M. Biradar)
Civil Judge, Junior Division,
Junnar, District Pune.

