



**ORDER BELOW EXH.10**

- 1) By virtue of this application, respondents prayed to take their Reply/Say on record by setting aside *Ex-parte* order passed against it on 16/06/2025 below Exh.01.
  
- 2) It is submitted by way of present application that, non availability of advocate, respondents were unable to remain present in the Court and further were unable in file their Say/Reply on 16/06/2025. The delay caused to appear and file Reply/Say is not intentional. It is further submitted that, if Reply/Say of respondents is taken on record, it will assist the court to decide matter on merit and no harm of what so over nature will cause to applicant. On the above reasons, respondents prayed take their Reply/Say on record by setting aside above *Ex-parte* order.
  
- 3) Applicant has filed her say on the overleaf of the present application and resisted the prayer of respondents. According to applicant, reasons are false. Applicant prayed to reject the application.
  
- 4) Heard the arguments. Perused the application and reply thereto as well as various orders passed in the suit. Perusal of record shows that, on 13/06/2025, respondents received the case notices.

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Thereafter, respondents failed to appear in present suit. As respondents failed appear in present suit, Ex-Parte order against respondents was passed on 16/06/2025. On 08/07/2025, respondents filed present application. By way of present application, respondents sought to take its Reply/Say on record on the reasons stated above.

5) It is worth noticing that, present case has been filed by applicant alleging domestic violence. In my opinion, even though respondents were apathetic in not conducting the case by remaining absent, respondents deserves an opportunity to present their defense. If respondents are permitted to contest the case by filing Reply/Say, the same will assist the court to decide the controversy between the parties on merit.

6) As stated above, due to non availability of advocate, respondents was unable to remain present in court. Thus, considering aforesaid reasons, I am not inclined to award any cost. Consequently, to decide the present case on merits and to give an opportunity to the respondents to present their case by filing Reply/Say, I proceed to pass following order: -

**ORDER**

- 1] Application is allowed.
- 2] Ex-Parte Order dated 16/06/2025 against respondents below Exh.01 is set aside and Reply/Says of respondents is taken on record.

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3] Application is disposed off accordingly.

Place :Shrivathan  
Date : 01/11/2025.

( S.K.Shaikh )  
Civil Judge Junior Division,  
Shrivathan