

Order below Exh.15 in PWDVA APPLI. No.78/2024

(Poonam Dhavan / Abhijit Dhavan & ors)

(CNR NO.MHSN03-001692-2024)

This is an application made by opponents for setting aside the No Say order passed against them on 20.01.2025.

2. According to the opponents, they were unable to see the documents on e-filing and therefore it was impossible for them to instruct their advocate accordingly. There was no intention to prolong the case on the side of opponents and they also tried to resolve the dispute by negotiating out of court. However applicant did not respond them and therefore opponents were unable to file their written say to the application. However it is necessary to have the say of opponents on record otherwise they will suffer the damage which cannot be compensated in terms of money. Therefore opponents prayed for setting aside the No Say order passed on 20.01.2025 and to record their say accordingly.

3. Applicant filed her say at Exh.16. According to applicant all the contents of the application are false in nature. Opponents were served with notice on 30.09.2024. However despite giving sufficient opportunities they have not filed their written say. The actual delay caused for setting aside the No Say order has not been mentioned in the application. Accordingly applicant prayed for rejection of application and in alternative imposing heavy amount of cost in case application is to be allowed.

4. Perused record, heard both sides. It occurs from the record that the no say order was passed against opponents on 20.01.2025. However they had appeared in the case on 16.10.2024 itself. On 01.02.2025 they have filed the application for deletion of party and their

name was updated to e-filing on 20.02.2025. After updation of name they have made this application on 07.03.2025. Therefore there occurs sufficient cause for non filing of say by opponents. In such case in the interest of justice and in order to maintain fairness in trial it will be proper to allow the application without imposing any amount of costs. Accordingly I pass following order-

ORDER

1. Application is allowed.
2. The say of opponents be taken on record and be exhibited in seriatim.

Sangli
Date : 05.04.2025

(Onkar S. Shastri)
Judicial Magistrate First Class, Sangli
(Court No.11)