

Order Below Exh.24 in PWDVA Appln.No.101/2021.
(Shahin Shaikh Vs. Nurmahamad Shaikh)
(CNR No.MHSN030028112021)

1] This application is for setting aside no say order and no arguments passed against respondents. As per contentions of respondents that, they could not file say within stipulated time because of illness of respondent no.1 and 2. Hence, they prayed for setting aside the order.

2] On the other hand, applicant filed her say at Exh.25 and opposed the application, contending that said application has been filed after three years from the date of main application. Hence, she prayed for rejection of the application.

3] Heard Ld. Counsel of both parties. Perused the record.

4] Respondent has not filed say despite of sufficient opportunities. Hence, no say order is passed against them on 21.06.2024 and no arguments order below Exh.5 has been passed on 30.08.2024. "Audi alteram partem- both parties should be heard" is the basic principle of natural justice. Hence, in the interest of justice and in order to decide the case of merits, I pass the following order.

ORDER

1. Application for setting aside 'no say' order is allowed, subject to cost of Rs.500/- payable to the applicant on or before next date.
2. No say order passed against respondents, dated 21.06.2024 is hereby set aside.
3. Respondents are allowed to file their say after paying above said cost amount to the applicant.
4. Application for setting aside 'no arguments' order is allowed, subject to cost of Rs.500/- payable to the

applicant on or before next date.

5. 'No arguments' order passed against respondents, below Exh.5 dated 30.08.2024 is hereby set aside.
6. Respondents are allowed to argue on Exh.5 after paying above said cost amount to the applicant.
7. It is directed to the respondent to proceed with the case on next date at any cost.

Sangli.

Date 17.10.2024

(S.R. Joshi)

5th J.M.F.C. Sangli.

CERTIFICATE

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

Name of the Stenographer	:	Sou.G.A. Patil (Grade-3)
Court	:	Snehal R. Joshi, 5 th Jt.C.J.J.D. & J.M.F.C., Sangli.
Date	:	17.10.2024
Order signed by the Presiding officer on	:	17.10.2024
Order uploaded on	:	17.10.2024