

(CNR No.MHSN0-40001082025)
ORDER BELOW EXH.26 IN REG. CIVIL APPEAL NO.11 OF 2025
(Dilip Ganpati Patil and anr. V/s. Nandatai Vishnu Nalwade, etc.)

This is an application filed by the respondent no.1 for setting aside 'No say' order passed on application below Exh.5. The appellant has filed reply at Exh.27 opposing the application.

2. Heard. Perused the record.

3. It is the contention of the respondent that due to unavoidable and inadvertent mistake he could not file reply to Exh.5 application. The respondent no.1 was not aware of the proceeding therefore neither he could appear nor file reply to the application. There was no deliberate intention to protract the proceeding. Hence respondent no.1 may be permitted to file reply to Exh.5 application.

4. The appellant has resisted the application by filing say and denied all the contentions made in the application. It is said that the application is moved just to cause delay in the proceeding. Therefore, the application moved by respondent no.1 is liable to be rejected.

5. Perused application and say of other side. Perused record, it transpires that for many dates Exh.5 remained pending for say of respondent. Respondent failed to file reply within reasonable time. The appellant has pointed out urgency of deciding Exh.5. Hence 'No say' order came to be passed. However, respondent no.1 has given satisfactory justification of not filing reply within reasonable time. Moreover it is stated that they have good grounds to oppose the application. Therefore considering the ends of justice, it seems

necessary to grant one more opportunity to respondent no.1 to contest Exh.5 application by filing reply. It is evident from record that respondent no.1 has tendered his reply to Exh.5 along with this application. It shows his genuine efforts to proceed with the matter. Hence, I hold that the order of 'No say' order passed below Exh.5 is liable to be set aside.

6. In view of discussion made above, I hold that the application deserves to be allowed. In the result, following order is passed.

ORDER

1. The application is allowed.
2. 'No say' order passed below Exh.5 stands set aside.
3. Respondent no.1 is permitted to file reply to Exh.5.

Date:- 08/10/2025

(A. H. Kashikar)
Adhoc District Judge-1, Islampur.

CERTIFICATE

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

Name of the Stenographer	:	S.W.Pathan, (Steno Grade-I)
Court Name	:	Adhoc District Judge-1 & Addl. Sessions Judge, Islampur.
Date of Order	:	08/10/2025
Signed by P.O. on	:	08/10/2025
Uploaded on	:	08/10/2025