

CNR No.MHSN050003022025
Order Below Exh.16

Civil M.A. No. 20/2025
Krishna Hirvdekar vs. Jamila & Ors.

MHSN050003022025



Order below Exh.16 in
Civil M.A. No.20/2025
(Dt. October 1, 2025)

1. The present application has been filed by Respondent No.1 seeking for setting aside 'no say' directed against her by this Court on 7/8/2025.

2. It is claimed that the present Miscellaneous proceeding has been filed for breach of order in R.C.S. No.335/2024. On the service of summons of this Miscellaneous Application, the respondent appeared through her Ld. Advocate on 17/4/2025. There were several litigation between the parties as R.C.S. No.335/2024, R.C.S. No.111/2024, R.C.S. No.88/2025, R.D. No.48/2025, Writ Petition Nos.93816/20, 93818/20 and 93819/2019. Also, appeals before the Revenue Courts. Therefore, the time was required to go through the proceeding and secure the documents. Therefore, say could not be filed within the time. This Court passed order of 'no say' against Respondent No.1 on 7/8/2025. Accordingly, the present application is set out seeking for opportunity to reply this application. It is also claimed that if this application is not entertained the respondent will suffer irreparable loss which cannot be compensated in terms of money.

3. The reply to this application filed below Exh.18. The application is opposed. It is contended that there is no mention regarding the period of delay in this application. It is also without any substantial cause for not filing the say in time. The respondent appeared through her Ld. Advocate on 17/4/2025. However, deliberately did not file reply to this application within 90 days. No adjournment was sought by the respondent. The respondent was taking information about the progress of this petition. Without appearance the present proceeding was going to affect revenue appeal therefore the respondent was keeping herself absent in this proceeding. The respondent is well aware about the litigation cited in her application. There is delay of two months to reply this application. The Vakalatnama in this case is filed without 'no objection' of previous Ld. Advocate engaged by the respondent. It is disputed that the respondent secured the compromise decree misleading the Court. The present application is filed to cause delay and complicate this proceeding. The application is vague without any verification and affidavit in support. Therefore it is liable to be dismissed with costs.

4. Heard the Ld. Advocate for Respondent No.1 as well as the Ld. Advocate for the petitioner. They wrangled according to their respective application and reply.

5. Considered the record before the Court.

6. The present proceeding has been filed under Order 39, Rule 2A of the Code of Civil Procedure, 1908 for breach of interim injunction. There is delay of two months to record the reply to this application. Considering the consequences of breach of interim injunction, Respondent No.1 should be afforded opportunity to defend. If this application is considered the same will enable the parties to contest this petition on merits. Besides, it will curtail potential multiplicity of the proceedings. For the delay caused the respondent should be saddled with costs. Ergo, the order follows in the interest of justice as..

	<u>ORDER</u>
01.	The present application is hereby allowed subject to costs of Rs.500/- (Rupees Five Hundred Only);
02.	The amount of costs be given to the Library of Taluka Bar Association, Islampur;
03.	Respondent No.1 to proceed with this petition without delay.
	(Dictated and pronounced in open Court.)

Dt. October 1, 2025

(Maneesh Nanabhau Phatangare)
Civil Judge Senior Division,
Islampur

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C E R T I F I C A T E

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

Name of the Stenographer : S. A. Desai (Grade-II)

Court Name : Civil Court Sr. Dn., Islampur

Date of judgment/order : 1/10/2025

Judgment/Order signed by the

Presiding Officer on : 3/10/2025

Judgment/Order uploaded on : 3/10/2025