

MHSN060027202025	<u>P.W.D.VA.NO.66/2025</u> Aishwarya Jain & Anr. Vs. Akash Jain & Ors.
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ORDER BELOW EXH. 13

This is an application filed by the respondents for setting aside the “exparte” order dated 10/12/2025 passed against them. The applicant has filed reply at Exhibit 14 and opposed the application on the ground that the respondent intentionally failed to file say in time, and if the application is allowed, heavy cost should be imposed.

2. Perusal of record shows that respondents served with notice at Exh.8 but they failed to appear and file say. Respondents submitted that, respondent no.3 accepted the notice of respondent no.1. Respondent no.1 is out of station for his work. Therefore, exparte order is passed against them. Respondent no.1 issued notice to applicant for cohabitation and he is willing to cohabit with her. Therefore, they could not appear before the court and file their reply. Therefore, exparte order was passed against them. The default was not intentional.

3. Considering the nature of the main application under the Protection of Women from Domestic Violence Act, and in the interest of fair hearing, it is necessary that the respondents be allowed to place their reply on record. Say is essential for just adjudication of the matter. No serious prejudice would be caused to the applicant if the application is allowed, subject to payment of cost. Hence, following order is passed:

ORDER

1	Application at Exhibit 13 is allowed.
2	The exparte order dated 10/12/2025 is hereby set aside.

3	The respondents are permitted to file reply on record.
4	The respondents shall pay cost of ₹500/- (Rupees Five Hundred only) to the applicant on or before the next date.
5	Failing which, permission to file say shall stand cancelled automatically.

Miraj
Dt. 11.02.2026

(Smt. P. D. Gaikwad)
Judicial Magistrate F.C., Miraj
(Court No.3)