

MHSN090010202017

**ORDER BELOW EXH.NO.39**

The application is filed by plaintiff for setting aside no say order passed below Exh.27.

2. It is contended by plaintiff that, he could not file say on the application Exh.27 which is filed by defendant under Order-7, Rule-11 Code of Civil Procedure, within time therefore, Court pass no say order on the application. He further contended that, he could not get old documents and necessary information within time for preparing the say, therefore the delay is caused. The rights and interest of plaintiff is involved in the subject matter of the suit. The delay is not caused deliberately. Therefore, no say order order passed against him is need to be set aside. Hence, the application.

3. Defendant filed say on the application and contended that the Court passed an order of “no say” against plaintiff on 17.03.2023. Thereafter, the plaintiff filed present application after 26 dates. The reason mentioned in the application is false. Hence, he prayed to reject the application.

4. Heard the argument of Adv. for plaintiff and defendants.

5. Perused the application and say. The present suit is for declaration and possession. The defendant no.1 filed an application Exh.27 under Order-7, Rule-11(d) of Code of Civil Procedure for rejection of plaint. Same needs to be decided on merit by giving chance to plaintiff to file his say and defend the application. The say of the plaintiff is require to decide the application on merit. Therefore, the application deserves to be allowed. Hence, I pass following order.

ORDER

1. The application is allowed.
2. The delay is condoned and no say order is passed below Exh.27 is hereby set aside.
3. No order as to costs.

Tasgaon
Date :- 12.01.2026

(S.Y. Wakchaure)
Jt. Civil Judge (J.D.), Tasgaon.

CERTIFICATE

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

Name of the Stenographer	: Abhay Arvind Randive.
Court	: Shri. S.Y. Wakchaure, Judicial Magistrate F.C., Tasgaon.
Date of order	: 12.01.2026
Order signed by the presiding officer on	: 12.01.2026
Order uploaded on	: 12.01.2026