

Order below Exh.14 in Cr.M.A.204/2021

[Nikita Kambale & Anr. v/s. Pankaj Kambale]

[CNR-MHSN090016912021]

The present application is filed by the Non Applicant to set aside no say order passed against him.

2. By filing present application it is submitted by non applicant that the non applicant is serving in police department and he was out of town due to his duty and therefore, he could not file his say on the main application as well as the interim maintenance application. The non applicant wants to file his say. Therefore, the No say order may be set aside.

3. On the other hand, Ld.Advocate for the applicant filed his say and submitted that the reasons mentioned in the application are false. The non applicant intentionally did not file his say and now the present application is filed only to delay the matter. Therefore, application may be rejected.

4. Heard both sides. The applicant has filed present application under the provisions of Protection of Women from Domestic Violence Act. The record shows that the notice is served to non applicant on 15.02.2022 and present application is filed on 25.07.2022. The record further shows that eventhough sufficient opportunity has been given to the non applicant he did not file his say on the main application as well as the application as to interim maintenance. Therefore, no say order was passed against him on 26.04.2022. Considering the nature of matter I am of the opinion that it is necessary to give an opportunity to non applicant to file say. While giving an opportunity to the non applicant it is

necessary to compensate the applicant. Hence, I proceed to pass following order.

ORDER

1. The application is allowed subject to costs of Rs.500/- (Rs. Five Hundred).
2. Amount of costs be given to the applicant.

TASGAON.

Date : 19.09.2022

(Omprakash M.Mali)
Judicial Magistrate, First Class,
TASGAON.

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 : U.P.Patil
Court : Civil Judge Jr.Dn. and
Judicial Magistrate F.C.,
Tasgaon.
Date : 19.09.2022
Order signed by the Presiding : 19.09.2022
officer on
Order uploaded on : 19.09.2022