

MHSN110001302015**ORDER BELOW EXH.72 IN****R.C.S. No. 32/2015**

(Lalita Jadhav Vs. Vaishali Gaikwad)

1] Defendant No.2 has filed present application to set aside No say order passed against him.

2] It is the contention of the defendant that, he has not filed his say within limitation, therefore No say order passed against him. Due to went outside village and inability to collect necessary documents in time, he could not file his say within period. He further submitted that, the delay was neither intentional nor deliberate. Therefore “No Say order” has been passed against him. If the said order is not set aside and the present application is not allowed, he will suffer irreparable loss and injury. Hence, prayed to allow the application in the interest of justice.

3] The plaintiff has filed his say overleaf the application and resisted the same. It is contention of the plaintiff that, contentions of the application not acceptable. The said application has not filed within limitation. Hence, the application be rejected.

4] Heard the both advocates. Considering the contentions, following points arise for my consideration and I have recorded my findings thereon along with the reasons as below:

Sr.No.	Points	Findings
1]	Whether No Say order passed against defendant No.2 is liable to be set aside ?	Yes
2]	What order ?	As per final order..

REASONS:

5] On perusal of record it is seen that, the suit is filed for declaration and injunction. On 20/02/2025 plaintiff has filed an application for amendment under Order VI Rule 17 of Code of Civil Procedure. But defendant No.2 failed to file his say on amendment application. Therefore on 05/05/2025 No say order passed against defendant. However, the present application has been filed on 09/10/2025, resulting in an inordinate delay in filing the written statement.

6] On perusal of the application, it is evident that Defendant has not produced any documentary evidence to substantiate the contentions raised therein. The suit is one for declaration and injunction and valuable rights of Defendant is involved in the suit property. Considering the principles of fair trial and in the interest of justice the application would be allowed. Hence, I answer point no.1 in the affirmative and in result of point No.2 I pass following order:

:: ORDER ::

1. The application at Exh.72 is allowed
2. No Say Order passed against defendant No.2 is hereby set aside.
Cost in Cause.

Date: 07.03.2026

(R. B. Kulkarni)
Jt. Civil Judge Junior Division, Atpadi.