

MHRG040036182024 	H.M.P No. 712/2024 Suryakant Upadhyay Vs. Shweta Upadhyay
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ORDER BELOW EXH. 15

This application is filed by respondent for setting aside No-Say order passed against her.

2) It is submitted by the respondent that, the petitioner has filed a divorce petition against her. The Respondent has appeared in the matter; however, she could not file her say and therefore the Hon'ble court has passed a "No Say" order on 03/09/2025 against her. The respondent seeks an opportunity to file her say and to defend the matter. If such opportunity is not granted, the respondent will suffer irreparable loss. Hence, the present application.

3) The learned counsel of the petitioner has strongly objected the application by filing his say at Exh.17 and contended that, the reasons mentioned in the application are not true and correct. The respondent has willfully delayed the matter. Hence, it is prayed to reject the application.

4) Perused record and heard both sides. It appears that on 09/04/2025, respondent appeared in the case. However, she did not file her written statement. Therefore, No W.S. order came to be passed against her on 03/09/2025.

5) It is the contention of the respondent that, she was in a state of mental shock owing to the strained matrimonial situation and was also not keeping well physically and mentally and therefore, she could not file her written statement in the case.

6) Considering the reasons mentioned in the application and the nature of the petition, I am of the view that an opportunity is required to be given to the respondent to defend the proceeding. I am of the opinion that application may be allowed. Hence, I pass the following order;

ORDER

1	The application at Exh.15 is allowed and the 'No-Say order' dated 03/09/2025 is set aside.
2	The written statement of the respondent to be taken on record.

Date :- 03/01/2026.

(Vaishali Hangargekar)
Jt. Civil Judge (Senior Division),
Panvel