

ORDER BELOW EXH. 14
Smt. Ranjana Shinde etc. vs. Sunanda Lohar etc.

1. Present application is filed by the opponent No.1 to set aside no W.S. order passed against her. It is contention of the opponent No.1 that in the month of February-2019 there was situation of Covid-19 and there was lock-down period. Therefore, opponent was unable to collect documents in time and filed say. Thereafter, opponent was suffering from cancer disease, so there was surgery on her and taking treatment. Because of which she was unable to meet her advocate and accordingly no say order was passed. Now she is filing her say, therefore, the order of no say and no W.S. be set aside.

Say on behalf of applicants filed at Exh.15. In which it is contended that the reasons mentioned in the application about not filing say and W.S. are false one. Opponent No.1 not filed documents on record about surgery and treatment. Applicant was appeared on 27.01.2021 and was having every knowledge about the matter, but intentionally not filed say and W.S. and accordingly, order was passed against her. So, application be rejected by imposing compensatory costs of Rs.15,000/- on her.

3. Considering the rival contentions, following points arise for determination. To which finding is given for the following reasons.

S.N.	Points	Findings
1.	Whether opponent No.1 is entitled for the relief as claimed ?	Yes
2.	What order ?	As per final order

R E A S O N S

As to Point No.1 & 2 :-

4. Heard Ld. advocates for both the parties. They have argued total contentions from the application and say respectively.

5. From record it appears that the opponent Nos.1 to 3 appeared in this matter on 29.01.2021, but failed to file W.S. Accordingly, order of no say and no W.S. passed against all of them on 18.11.2021. Thereafter on 21.04.2022 opponent No.1 filed this application alongwith W.S. on record and prayed for setting aside no say order passed against her. Opponent No.1 mentioned reasons about Covid-19 are seems to be true, but she has not filed any documentary evidence on record to show that there was surgery on her and for that medical treatment was going on. So, it seems that there is some negligence on her part for making delay in filing say and W.S. Because of late filing of the say and W.S. the matter is prolonged and therefore, it is necessary to compensate the applicants by saddling some costs on the opponent No.1 for setting aside the no say and W.S. order. Therefore, I hold opponent No.1 is entitled for the relief as claimed on the following conditions. Accordingly, I replied

point No.1 in the affirmative and lastly proceed to pass the following order.

: ORDER :

1. Application is allowed.
2. The order of no say and no W.S. passed against opponent No.1 is hereby set aside subject to costs of Rs.1,000/- be paid to the applicants.On payment of costs, say/W.S. be taken on record.

Date : 03-08-2022

**(B.B.Toshniwal),
Member,
M.A.C.T., Pandharpur**

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/Order.

- (a) Name of the Stenographer : S.R.Kore, Stenographer (G-1)
- (b) Court : Ad-hoc DJ-1 & ASJ, Pandharpur
- (c) Order signed by P.O. on : 03/08/2022
- (d) Order uploaded on : 04/08/2022