

ORDER BELOW EXHIBIT 48 IN R.C.S. No. 319/2018
(Rajendra @ Rajabhau Atkale & others Vs. Madhukar Kharat &
others)
(Passed on 18th July, 2025)

1. This is an application filed by the defendant No. 4 and 5 for setting aside no say order passed against them on 27/01/2025 below Exh. 44. It is submitted by them that, Since the plaintiff had not filed the documents as per the contentions in the plaint and application, which they did not receive, and therefore they could not file say to the application within the stipulated period. Thereafter, No say order was passed against them.

2. In pursuance to the said application say of the plaintiff was called. Accordingly, the plaintiff has given his say and strongly opposed the present application. It is submitted by him that, the present application is false and prayed rejection of application.

3. Heard learned advocates of both side. Perused the record. The suit is for perpetual injunction. However, the matter is in respect of perpetual injunction and other side has to be heard as per the basic principle of natural justice. Moreover, the present application cannot be rejected which is otherwise liable to be allowed. At the same time, the plaintiff can be compensated for the inconvenience caused to him. In the result, I pass the following order.

ORDER

1. The application (Exh.48) is allowed.
2. The order passed below Exh. 44 dated 27/01/2025 is hereby set aside.

3. No order as to costs, accordingly, the application is disposed off.

Date:- 18.07.2025.

(K.J.Khomane)
2nd Jt. Civil Judge Junior Division,
Pandharpur, Dist. Solapur.

CERTIFICATE

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

Name of the Stenographer	-	A.B. Sandrok
Court	-	2 nd Jt. CJJD & JMFC, Pandharpur.
Date of Judgment/Order	-	18/07/2025
Judgment/Order signed by the Presiding Officer on	-	18/07/2025
Judgment/Order uploaded on	-	18/07/2025