



1. Arun Mohan Nagtilak Plaintiffs
Versus
1. Balbhim Sadashiv Godase Defendants

ORDER BELOW EXHIBIT 38

1. The defendant number 1, 3 and 4 have moved the application vide exhibit 38 for setting aside no say order. The defendants have stated that the documents which are necessary for filing say are not available within stipulated period, therefore, these defendants cannot file their say within stipulated period on application vide exhibit 24. These defendants must get the opportunity to put forth their defence, otherwise they will suffer irreparable loss.

2. The plaintiffs have filed say and raised strong objection. It is stated that, application is false and vexatious. Reasons are not sufficient. Hence, application vide exhibit 38 is to be rejected.

3. I have perused application vide exhibit 38 and say of plaintiffs. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Do defendants entitle for setting as side, 'no say order' ?	In the affirmative
2	What is order ?	The application is allowed.

Reasons

4. The present suit is for perpetual injunction. The nature of suit is such that, if the opportunity for filing say on application vide exhibit 24 is denied to these defendants, then it will affect the merit of case. It may result into multiplicity of proceeding. 'Audi alteram partem' is principle of natural justice. It means that, no one shall be condemned unheard. Hence, it is just and proper to give opportunity to these defendants for filing say. The defendants have stated that, the documents which are necessary for filing say are not available within stipulated period. Therefore, these defendants cannot file say within stipulated period. The reasons stated by the defendants for setting aside the order are sufficient. The defendants have not caused the delay deliberately. The circumstances were beyond the control of defendants. Hence, it will not be proper to saddle the cost on shoulder of these defendants, after considering the circumstances. Therefore, the present application is allowed. In the result, the following order is passed.

ORDER

1. The application vide exhibit 38 is allowed.
2. The order passed against the defendants vide Exhibit 24 stating that the application shall proceed further without say of defendants is hereby set aside. The application vide exhibit 24 shall proceed further according to provisions of law.

Pandharpur
Date – 23-04-2026

Smt. K. A. Katkar
3rd Joint C. J. J. D, Pandharpur

: CERTIFICATE :

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	:	RCS 392/2025
Name of Stenographer	:	S. P. Doke,
Court Name	:	Smt. K. A. Katkar, 3 rd Joint Civil Judge Junior Division Pandharpur, Dist-Solapur
Date of Decision	:	23-04-2026
Order signed by P.O. on	:	23-04-2026
Order uploaded on	:	23-04-2026