

COMMON ORDER BELOW EXH. 17And 19

Non applicant No. 1 has filed the application at Exh. 17 to condone the delay in filing the reply and the application at Exh. 19 to set aside no say order. On going through both the applications, it appears that, she has submitted that, she could not get important and necessary documents. There was also viral infection to her eyes and she had temperature. Therefore, she could not file her reply within time. This matter is pertaining to immovable property. She has chances of success. In the circumstances, if delay is not condoned and permission is not granted to her to file her reply, great irreparable loss will be caused to her. With such submissions, she has prayed to allow for both the applications at Exh. 17 and 19.

02. On behalf of the applicants, their learned Advocate has objected the applications at Exh. 17 and 19. In respect of the application at Exh. 17, he has submitted that, the reply has not been filed by non applicant No. 1. With such submissions, he has prayed to reject the application.

03. In respect of the application at Exh. 19, learned Advocate for the applicants has submitted that, this Court has granted opportunity to non-applicant No. 1. The reason assigned in the application is not proper. With such submissions, he has prayed to reject the application at Exh. 19. In the alternative, he has also submitted that, if the said application is allowed, costs of Rs. 5,000/- upon non-applicant No. 1.

04. I have perused record of the case. When called learned Advocates for both the parties are absent. It appears that, as per order below Exh. 1 dated 23.08.2023, this matter has been proceeded

without reply of the non-applicants. Non-applicant No. 1 has submitted that, she could not get important and necessary documents and there was also viral infection to her eyes. She had also temperature. It appears that, she has filed the affidavits in support of her both the applications at Exhs. 17 and 19. Considering the facts and circumstances, in the interest of justice, it is just and proper to condone the delay caused to her in filing the reply and grant her permission to file reply. Even if, such permission is granted, no prejudice will be caused to applicants. Further, the applicants will get an opportunity to contest the claim of non-applicant No. 1 and the matter will be decided on merits. Delay if any, can be compensated. In the result, I pass following order :-

ORDER

Delay caused to non-applicant No. 1 to file reply is condoned and permission is granted to her to file reply subject to payment of costs of Rs. 500/- to the applicants till next date.

Date : 28.08.2023

(**Ankush P. Khanorkar**),
Civil Judge, Senior Division, Barshi.

CERTIFICATE

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

Name of the Stenographer : S. N. Chilka
Court : Civil Court Senior Division, Barshi.
Judgment / Order signed by the P. O. on : 28.08.2023
Judgment / Order uploaded on : 29.08.2023