

**ORDER BELOW EXH. 26**

Non-applicant No. 2 has filed this application to set aside no say order passed against her and non applicant Nos. 3 and 4. She has submitted that, she was ill. Therefore, she could not file her say within time. Hence, no say order was passed against her. With such submissions, she has prayed to allow her application.

02. On behalf of the applicants, their learned Advocate has objected the application. He has submitted that, no document has been filed along with application. With such submissions, he has prayed to reject the application.

03. I have heard learned Advocate for non-applicant No. 2. When called learned Advocate for the applicants is absent. I have perused the record of the case. It appears that, as per order below exhibit 1 dated 23.08.2023, this case is proceeded without say against non-applicant Nos. 1 to 4. Therefore, non-applicant No. 2 has filed this application for herself and as a minor guardian of non-applicant Nos. 3 and 4 to set aside the said order passed against non-applicant Nos. 2 to 4. However, I mention here that, non-applicant No. 2 has filed a Pursis at exhibit 28 that, non-applicant No. 3 is minor. It means non-applicant No. 4 is not minor. Hence, it is not just and proper to grant permission to non-applicant No. 2 to file say as a minor guardian of non-applicant No. 4.

04. This being the position, it appears that, non-applicant No. 2 has contended that, she was ill. Therefore, she could not file her say within time. Her application is supported with affidavit at exhibit 27. Considering her submission and fact and circumstances, in the interest

of justice, it is just and proper to grant permission to non-applicant No. 2 to file say for herself and as a minor guardian of non-applicant No. 4. Moreover, even if such permission is granted, the applicants will get an opportunity to contest the claim of non-applicant No. 2 and the matter will be decided on merits. Therefore, even if the application is allowed, no prejudice will be caused to the applicants. Further, the delay can be compensated. In the facts and circumstances, I pass following order:-

**ORDER**

Permission is granted to non-applicant No. 2 to file say for herself and for non-applicant No. 4 subject to payment of costs of Rs. 500/- to the applicants till next date.

Date : 21.02.2024

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

3 CMA No. 15/2023.  
Vimal & Ors. Vs. Ratan & Ors.

**C E R T I F I C A T E**

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	: 21.02.2024
Judgment / Order uploaded on	: 21.02.2024