

Order below Exh.23

Petitioner has filed this application for setting aside no say order passed against her.

2. The petitioner submitted that the respondent filed an application for dismissal of the proceeding. Said copy received by Adv. Chopade, Risod. But he has not made any contact with counsel of the petitioner. As the say was not filed within time, the Court has passed order of no say against her. Therefore, she prayed to allow the application.

3. Respondent has filed say and opposed the application and submitted that if application came to be allowed, heavy cost be imposed on petitioner.

4. Heard. I have gone through the record. It is seen that on 23/02/2021 respondent filed an application for dismissal of the proceeding. The copy of same is received by the learned advocate for the petitioner on same day, however, they could not file say till 06/09/2024. Therefore, no say order passed against them on 06/09/2024. Respondent has given the reason that Adv. Chopade, Risod though received the copy he has not made any contact with counsel of the petitioner. Hence, they could not file say within time. Now respondent appeared before the Court and ready to contest the matter. If application is allowed the matter will decide on the merits. If the order of no say is set aside no prejudice will be caused to the other side.

On the contrary if it is not set aside then respondent will suffer irreparable loss and it will be caused prejudice to them. At the same time, it is necessary to impose costs for causing delay in the matter. Considering all these reasons application can be allowed. Hence following order.

ORDER

- 1) Application is hereby allowed.
- 2) The order of 'no say' passed on 06/09/2024 is hereby set aside subject to costs of Rs.1,000/- to be paid to the respondent.
- 3) Petitioner is permitted to file their say on record and to proceed with the matter.
- 4) If the petitioner failed to pay cost amount to the respondent till next date, application (Exh.18) is proceeded without say.

(Dictated and pronounced in open Court.)

Date : 09/12/2025

(V.D.Ingle)
District Judge 2, Washim.

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment/
Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Smt.VD.Ingle District Judge-2 and Additional Sessions Judge, Washim.
Date of Judgment/ Order	:- 09.12.2025
Judgment/Order signed by the Presiding Officer on	:- 09.12.2025
Judgment/Order uploaded on	:- 09.12.2025