

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, WASHIM.

Order Below Exh. 13
(Dated 23/01/2025)

- 1) The present application preferred by the opponent No. 2 - NHAI for setting aside no say order dated 30/09/2024 on the ground that the present applicant not received copies of documents relied by the original petitioner, due to which say could not be filed by present opponent No. 2 – NHAI.
- 2) The original petitioner strongly objected the application on the ground that the reason for setting aside no say order is not justified and the opponent No. 2 did not file say within stipulated period to harass to the petitioner.
- 3) Heard ld. Adv. R. M. Gaikwad for the opponent No. 2 i.e. present applicant and ld. Adv. Mr. D. Y. Kale for original petitioner at length.
- 4) On perusal of the record of the case, it is observed that the summons was served on opponent No. 2 on 24/07/2024 vide Exh. 09. As the opponent No. 2 not filed the say till 30/09/2024, the Court passed no say order on 30/09/2024. Though the present applicant submitted that he did not receive copies of documents from original petitioner, but record of proceeding not supported said claim of present applicant. Irrespective of that, in order to give sufficient opportunity to the opponent No. 2 to plead his case, no say order required to be set aside. At the same time, cost should be awarded to the original petitioner for inconvenience caused to original petitioner.

5) In the present case, the opponent No. 2 require to pay cost of Rs. 400/- to the original petitioner as a symbolical compensation while set aside no say order. Hence, the order -

ORDER

- 1) The application at Exh. 13 of opponent No. 2 is hereby allowed, subject to cost.
- 2) No say order dated 30/09/2024 passed against the opponent No. 2 is hereby set aside subject to cost of Rs. 400/- (Rupees four hundred only) to be paid to the original petitioner.
- 3) The say of opponent No. 2 filed along-with the present application be taken on record, on production of acknowledgment of costs received by the original petitioner.
- 4) Accordingly, the application stand disposed of.

Washim.
Date: 23/01/2025.

(S. V. Hande)
Principal District Judge,
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 :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,
Washim, Tq. Dist. Washim.

Date of Judgment/ Order :- 23/01/2025

Judgment/Order signed by :- 23/01/2025
the Presiding Officer on

Judgment/Order uploaded on :- 24/01/2025