

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, WASHIM.

Order Below Exh. 14
(Dtd. 30/07/2025)

The present application preferred by the opponent No.2 for setting aside no say order dtd.23/04/2025 passed by this tribunal, as the opponent No.2 failed to file say within stipulated period.

2] The opponent No.2 came with a case that for want of relevant documents, say could not filed within stipulated period and 3 months and 7 days delay caused, which is beyond control of opponent.

3] The opponent objected the present application on the ground that say not filed by opponent No.2 without any reason. Similarly the application does not reflect the satisfactory reason.

4] Heard ld. Adv. R. M. Gaikwad holding for Adv. Mr. S. J. Rahate for the opponent No.2 and ld. Adv. Mr. Kale holding for Adv. Mr. R. N. Lathi for original petitioner at length.

5] On perusal of the record, it is observed that the opponent No.2 appeared and not filed say, due to which on 23/04/2025 no say order was passed against opponent No.2. It is also observed that the non filing of say passed against the opponent No.2. It is also observed that the opponent intend to contest the present original petition, then his right to contest the petition cannot be taken away on technical ground. Though the original petitioner objected the original petition except there is no reason for delay, no other ground taken by petitioner. Similarly, taking away the right of opponent No.2 to defend the case on technical ground could be injustice. Though the fault of opponent No.2

is accepted. Similarly the inconvenience caused to the petitioner, due to non filing of say by the opponent No.2 within time limit can be compensated by way of imposing costs on the present applicant, then application deserved to be allowed. In the present case, after considering all circumstances of the case, the applicant required to pay cost of Rs.500/- to be paid to the original petitioner. Hence, the order :-

ORDER

- 1) The application Exh.14 for setting aside no say order dtd.23/04/2025 passed against opponent No.2 is hereby allowed, subject to cost of Rs.500/- (Rs. Five hundred only) be paid to the original petitioner.
- 2) The Bench Clerk is hereby directed to take say of opponent No.2 on record on production of acknowledgment of costs of Rs.500/- paid to original petitioner or production receipt of deposit of Rs.500/- cost in the tribunal.
- 3) Accordingly, the application stand disposed of.

Place : Washim.
Date : 30/07/2025.

(S. V. Hande)
Principal District Judge,
Washim.

//3//

Civil M. A. No. 157/2024
Vilas Rokade Vs SDO+1
CNR No. MHWS010008302024

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 :- N. B. Khandare, Stenographer (Grade-I)

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

Date of Judgment/ Order :- 30/07/2025

Judgment/Order signed by :- 31/07/2025
the Presiding Officer on

Judgment/Order uploaded on :- 02/08/2025