



**ORDER PASSED BELOW EXH.44.**

(CNR No.MHWS110013162025)

Mo. Aarif Ab. Nabi Vs. State of Maharashtra Thr. Collector, Washim & Anr.

1] Present application has been filed by plaintiff thereby praying for setting aside order of 'No say' passed on 06/04/2023 below Exh.14 against him and also praying for grant of permission to file his say on application below Exh.14.

2] Perused application and say filed by learned AGP on behalf of defendants on the overleaf of present application. Heard learned advocate for plaintiff and learned AGP on behalf of defendants.

3] Learned advocate for plaintiff has submitted that the plaintiff has filed instant suit for declaration and perpetual injunction. Moreover, the defendants filed application at Exh.14 under Order 7 Rule 11 of C.P.C. for rejection of plaint. However, the plaintiff could not file his say within time because of reasons mentioned in the present application. Therefore, 'No say' order came to be passed against plaintiff on 06/04/2023. Therefore, it is necessary to set aside said order and to permit plaintiff to file his say on record. No prejudice will be caused to the defendants if application is allowed. Hence, learned advocate for plaintiff has prayed that 'No say' order passed against him may be set-aside and he may be permitted to file his say.

4] On the contrary, learned AGP on behalf of defendants has strongly objected this application on the ground that the plaintiff has

given ample opportunity to file his say on application below Exh.14 but he deliberately avoided to file his say on that application. Moreover, delay has not been explained properly and reasons mentioned in the present application are not genuine. Hence, learned AGP on behalf of defendants has prayed for rejection of this application.

5] I have perused record of the matter and also considered the submissions of learned advocate for plaintiff and learned AGP on behalf of defendants. I think it is necessary to permit the plaintiff to file his say on application below Exh.14 by setting aside said 'No say' order otherwise he will suffer from injustice. It is always desirable to decide the matter on merits by giving opportunity to both parties to the suit. Thus, I think it just and proper to allow this application thereby setting aside 'No say' order. Hence, following order is passed.

**ORDER**

- 1) Application is allowed.
- 2) 'No say' order dated 06/04/2023 passed against plaintiff, is hereby set-aside.
- 3) No order as to costs.

Date - 16/03/2026.

( S. W. Thombre )  
Civil Judge, (Sr.Dn.),  
Karanja (Lad).

**CERTIFICATE**

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

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Karanja.
- 3) Date :- 16/03/2026
- 4) Order signed by the  
presiding officer on :- 16/03/2026
- 5) Order uploaded on :- 16/03/2026