



:: ORDER BELOW EXH. 08 ::

Non-applicants filed this application to set aside no say Order passed on 08/11/2024 below Ex.01. Learned advocate for applicant filed say at overleaf of application and strongly objected to the application. Heard, Ld. Advocate for Non-applicants, he prayed that, due to no communication by the party to the Ld.Advocate, it was not possible for Non-applicants to file their Say within statutory limitation. If their say not brought on record, irreparable loss may cause to them. On the other hand learned advocate for applicant submitted that, no justiciable reason given by the Non-applicants for the delay. Due to conduct of non-applicant matter is prolonging. Hence, he prayed to reject the application.

2. Peruse record and proceeding of the case, an application and the say. It seems that, Main application is filed under the provisions of Protection Of Woman From Domestic Violence Act. To decide said application on merit it is necessary that, the say of Non-applicants be brought on record. As per principle of audi alteram partem it is necessary to give fair opportunity to non-applicants. It will not cause to prejudice to the applicant. On the other hand if such say not come on record then, it will cause great hardship to Non-applicants.

3. In the interest of principal of natural justice, it is necessary to allow the application. Hence for the above mentioned reasons, I pass following Order -

ORDER

1.	The application below Exh. 08 is allowed.
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2.	No say Order passed on 08/11/2024 below Ex.01 is hereby set aside subject to cost of Rs. 500/- to be paid by Non-applicants to the applicant.
3.	On the payment of cost, say tag with Exh.08 be exhibited as per rules.

Date : 22/04/2025

Place: Arni

(Vishal Shravan Dhondage)
Judicial Magistrate First Class