

MHKO050057832024 	<u>R.C.S. No.427/2024.</u> <u>Adinath Annappa Vaswade</u> <u>Vs.</u> <u>Ratnamala Prakash Pasanna & Ors.</u>
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ORDER BELOW EXH.23

Plaintiff has filed this application for setting aside 'No Say Order' passed on (Exh.21).

02. It is contended that defendant No.1 has filed application for rejection of plaint (Exh.21). As plaintiff failed to file say, 'no say order' was passed. Plaintiff has undergone Angioplasty. He is taking medical treatment and therefore delay is caused. Hence, he prayed to allow this application.

03. Defendant No.1 has filed her say (Exh.25) and submitted that, no cogent reasons are stated in the application for delay. No medical certificate is produced. Plaintiff, defendant No.2 and 3 have filed compromise pursis (Exh.18) behind back of defendant No.1. Only to prolong the matter, present application is filed. Hence, she prayed for rejection of the application with costs.

04. Heard both sides.

05. Plaintiff has filed present suit for declaration of right of pre-emption/ preferential right. It is necessary to decide application for rejection of plaint by considering the say of plaintiff. Valuable rights of the parties are involved in the suit. Hence, I am inclined to allow the application and pass the following order-

ORDER

- (1) Application (**Exh.23**) is allowed.
- (2) 'No Say Order' passed below Exh.21 is hereby set aside.
- (3) 'Say' filed by plaintiff be read and recorded.

Ichalkaranji
Date :24/07/2026

(Akshay R. Kulkarni)
4th Jt. Civil Judge Junior Division,
Ichalkaranji

Certificate

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

Name of Stenographer	S.M. Shaikh
Name of Court	Akshay R. Kulkarni 4 th Jt. C. J. J. D. & J. M. F. C. Ichalkaranji.
Date of Decision	24/07/2026
Order signed by the P.O. on	24/07/2026
Order uploaded on	24/07/2026