

IN THE HON'BLE JMFC COURT No.1, PUNE

IN CASE PWDVA No. 538 / 2024

IN THE MATTER OF :

- 1) ANANT UTGIKAR
- 2) PURUSHOTTAM UTGIKAR
- 3) PADMAJA UTGIKAR

...RESPONDENTS (R1)
(R2)
(R3)

VS

- 1) ASHWINI KUNTURKAR

... COMPLAINANT (C1)

RE-REQUESTING "NO-SAY" ORDER on DISMISSAL OF CASE

Most Respectfully Your Honor,

1. **Application for dismissal filed in March 2025 :**

- a. **18th March 2025, Hon'ble court FIRST reminder to complainant** to file 'SAY' as per case status "O-call say of applicant"
- b. **29th Sep 2025, SECOND Reminder from Hon'ble Court** to reply to "dismissal application"
- c. **Mar 13th 2026 - 'say' not filed for more than 11 months (360+ days).**

2. Requesting Hon'ble court to **kindly decide on our dismissal application before considering any of complainant's petition:**

- a. so that **we can engage lawyer** for next phase beyond dismissal.
- b. Otherwise it would violate **principles of natural justice.**

3. As per **CPC Order VIII**, Rules/Sec - 1, 6A, 6E, 6G, 10, read with CPC section 151, complainant **MUST REPLY within 30 days (or 120 days with extension, when justified** with reason provided).

- a. **6E. Default of plaintiff to reply to counter-claim.**—If the plaintiff makes default in putting in a reply to the counter-claim made by the defendant, the Court may pronounce judgment against the plaintiff in relation to the counter-claim made against him, or make such order in relation to the counter-claim as it thinks fit.
- b. **6G. Rules relating to written statement to apply.**—The rules relating to a written statement by a defendant shall apply to a written statement filed in answer to a counter-claim.]

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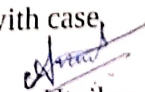
4. Respondents are appearing party-in-person and have always complied and fully cooperated with law enforcement and judiciary as follows:
- 14 Oct 2025, complainant came after 7 months and lawyers even forgot that case is e-filed.
 - Multiple Hearings passed without any reply: 11 Nov, 14 Oct , 29 Sep , 20 Aug
 - On 7th July, this Hon'ble court sent notice to complainant to reply to dismissal application.
 - Multiple Hearings passed without any reply: 27th June, 17 June, 15 May, 28 April,
 - On 18th March 2025, Hon'ble Judge scolded complainant, for being unaware and making false pleadings, inspite of having access to online case. Hon'ble Judge gave complainant a last chance, to reply to it by next date.
5. Complainant is abusing the laws and judicial process to harass the innocent respondents, by deliberately and unreasonably delaying the case. Hon'ble Court should take cognizance of age and condition of the senior citizen respondent (aged 80+, with multiple medical ailments). It is causing violation of their fundamental rights of "life and liberty" granted by INDIAN CONSTITUTION under Article 21.
6. We are not able to view any pleadings submitted online from the complainant side. Computer admin of Pune district told that litigants cannot access/view case details and submissions, due to system limitation.

PRAAYER

It is therefore most respectfully prayed that the Hon'ble court be pleased to

- Pass "NO-SAY" order on our dismissal application as complainant has not filed 'say' inspite of MULTIPLE REMINDERS from Hon'ble Court even after 360 days far exceeding limit (even with justified extension) provided by CPC Order VIII Rules.
- Dismiss the case under CrPC Sec 468, as per our application on 16th march 2025, substantiated by judgements from Hon'ble High courts and Hon'ble Supreme court.
- Dismiss the case under CrPC Sec 203 for lack of sufficient grounds.
- Note that respondents filed request to dismiss first and then filed written statement to comply with CPC Order VIII. Filed reply absolutely denies all allegations and does not in any way imply acceptance or admission or agreement about moving forward with case.

12 March 2026
Pune


Anant Utgikar
Purushottam Utgikar