

Order below Exh. 19 in H.M.P. No. 234/2023
Vinodkumar Hirkane - Vs. - Manisha Hirkane
(MHG00200-1230-2023).

Perused the and say filed thereon. The present application is filed for setting aside the no written-statement order, dated 02/04/2024.

2. Heard the learned advocates for the parties.

3. Perused the record. It appears that, as the respondent had failed to file written-statement, the matter was proceeded without her written-statement. It is submitted by the respondent that, initially the matter was sent for mediation, as it is a matrimonial dispute. Thereafter, the Presiding Officer conducted Sessions for re-union of the parties, as she wanted to reunite and settle the dispute. It is further stated that, in a process, she could not file the written-statement and matter was proceeded without her written-statement.

4. Admittedly, the dispute is between husband and wife. The matter is in respect of divorce on the ground of cruelty. The respondent is only contesting party in the matter. She stated that, she has a good defence. Though, as stated by petitioner, there is delay in filing written-statement considering the dispute between the parties and above aspect, she need to be permitted to put of her defence. No prejudice would be caused to the other side, as the petitioner will have an opportunity to adduce his evidence as also to cross-examine the respondent. The delay can be compensated on imposing reasonable costs. Taking in to account the above aspect, the application needs to be allowed on costs. Consequently, the following order is passed :

ORDER

1. The no W.S. order dated 02/04/2024 is hereby set aside subject to payment of cost of Rs. 400/- to the petitioner.
2. The written-statement be taken on record after the compliance.

Date : 16/10/2024

(M. J. Mohod)
2nd Jt.Civil Judge Sr.Dn. Gondia.

Order below Exh. 1

No. 199/2019

Nikunj @ Nikunj Kumar – Vs. - Jayshriben
(MHG00200-1055-2019).

The plaintiff and their counsel are absent, when called.

2. Perused the record. It appears that, by an order dated 17/02/2020, the matter was proceeded without written-statement of the defendant. Thus, it was posted for evidence to be adduced by plaintiff. However, despite of sufficient opportunity no evidence is lead by him. Today also, the plaintiff is absent. The matter of year 2020. Therefore, the plaintiff is directed to led evidence, if any, on the next date positively. In default, the matter shall be dealt with in accordance with law.

Date : 15/10/2024

(M. J. Mohod)
2nd Jt.Civil Judge Sr.Dn.
Gondia.