

COMMON ORDER BELOW EXH.10 AND 11 IN
(DV)M.A.NO.1/2018

Present applications have been placed on behalf of respondents for setting aside '*Ex parte*' order passed against them alongwith seeking time to submit their written say to the application. The present applications have been resisted by the applicant by filing her say. Perused the application and say. Heard learned advocates appearing on behalf of both the parties. Inspite of service of notice, respondents could not appear, therefore, on 05/09/2018 *ex parte* order came to be passed against the respondents. Thereafter, all the respondents except respondent No.4 and 8 appeared and placed those applications. On perusal of main application as well as the application placed for interim maintenance, it appears that, applicant has sought various relief against the respondents by making various allegations of domestic violence against respondents. Considering the reliefs sought against respondents and allegations made against them, before passing any order, it is desirable to give an opportunity of being heard to respondents. In view to decide the present case on merits and to give fair opportunity of being heard to respondents, *ex parte* order passed against respondents is essential to be set aside and they need to be permitted to submit their written say. Hence, I pass following order :-

: ORDER :

1. Application is allowed.

2. The '*ex parte*' order dtd.05/09/2018 stands set aside subject to costs of Rs.1,000/-, payable to applicant on condition that respondents shall submit their say on 17/09/2018, in failure, the right of respondents to submit their say would be deemed to be waived.

Bhiwandi
Date :- 12/09/2018

(H. J. Pathan)
Judicial Magistrate, F.C., Bhiwandi.