

MHAH050005682020

**Reg. Civil Suit No.37/2020.****Shaharam Namdeo & Ors.****Vs.****District Collector and Ors.****ORDER BELOW EXH.79**

The plaintiffs have filed this application for reopening of their evidence which was closed by way of order below Exh.1 on 24/07/2024 as inspite of sufficient opportunities given to them, the plaintiffs have failed to proceed with the suit.

02. The plaintiffs, in support of the application have submitted that, they could not attend the hearing of the suit due to non-availability of the documents and therefore, they may be given an opportunity to proceed with the hearing of the suit.

03. The defendant nos. 2 to 4 vide their say at Exh.82 opposed the application by contending that, the plaintiffs are not proceeding with the suit in a diligent manner. The application is filed on the basis of misleading contentions and therefore, it deserves to be rejected with heavy costs.

04. Heard Learned Counsel for both the parties.

05. A perusal of record show that the suit was fixed for evidence of plaintiffs since long and as they failed to lead evidence

inspite of sufficient opportunities, their evidence stood closed by way of order below Exh.1 dated 24.07.2024.

6. According to the plaintiffs, the closure of their evidence prematurely would result in great prejudice to them. They deserves an opportunity to lead evidence to decide the matter on merit. The record of the case reveal that, the plaintiffs are not diligent in proceeding the suit and they have delayed its hearing on one or other reason. Nevertheless, I am inclined to grant one opportunity to the plaintiffs for proceeding with the suit and the delay caused in hearing of the suit can be compensated in terms of the costs. Since the defendant no.1 to 5 are State representatives, the cost imposed on the plaintiffs shall go to the Taluka Legal Services Authority, Shrirampur. Consequently, I proceed to pass following order :-

ORDER

1. Application Exh.79 stands allowed subject to cost of Rs.2,000/- (Rs. Two thousand only) payable to Taluka Legal Services Authority, Shrirampur.
2. The cost to be paid on or before next date, failing which the application shall automatically stand rejected.

Date: 05/04/2025

(R.B.Giri)
Civil Judge Sr. Division,
Shrirampur.