

Order below Exh.35 in H.M.P No.320/2021

(CNR No. : MHAH08-0017212021)

By moving this application petitioner wants to lead the evidence of witnesses by setting aside evidence closed order.

2. Briefly his submission is that, this petition is filed for divorce. After recording his evidence, evidence has been closed by filing pursis Exh.28. However, the counsel for petitioner failed to examine the other witnesses on behalf of the petitioner. Their evidence is essential for the proper adjudicatin of the subject matter. So, the said Evidence Closed order be set aside and permission may be granted to lead further evidence.

3. Respondent failed to file say. Heard the counsel for the petitioner. It is true that, petitioner has closed his evidence by filing poursis Exh.28. Now he wants to reopen the evidence and wants to examine the other witnesses in support of the petition. On record it appears that, proceeding is tried Ex-parte against respondent. Petitioner has right to lead the evidence in support of his case. Mere closing of evidnece does not create bar to lead further evidence, if required and essential for the proper adjudication of the subject matter. So, application is considerable and liable to be allowed. Hence, I pass the following order.

: ORDER :

- 1) Application is allowed.
- 2) Petitioner is hereby permitted to lead the further evidence by setting aside Evidence Closed order.
- 3) Issue witness summons as prayed.

Date : 03/01/2025
Sangamner.

(D.H. Dabhade)
3rd Jt. Civil Judge, Senior Division.,
Sangamner. J.O Code-MH00263

“I affirm that the contents of this P.D.F file Judgment/Order are same word to word, as per the original Judgment/Order”.

Name of Stenographer	Shri. P.R. Satpute
Name of Court	Shri. D.H. Dabhade, 3 rd Jt. Civil Judge, S.D., Sangamner.
Date of Dictation	03/01/25
Order signed by the P.O.on	03/01/25
Order uploaded on	03/01/25