

**ORDER BELOW EXH.215 IN RCS NO.255/2004**

( CNR : MHAH2500 0476 2004 )

This is an application filed by defendants to set aside the evidence close order passed against them on 01.07.2024. The applicant Dashrath @ Raju Dinkar Pawar filed his affidavit along with this application.

2. Applicant submitted that he is present in the Court on 01.07.2024. But on that day, the application for framing of issue was given in the Court and therefore, immediately they left the Court. But on that day the order of evidence close has been passed by the Court. For proper adjudication of the suit, the evidence of defendant has to be brought on record. Therefore, they prayed to set-aside the order of evidence close.

3. Plaintiffs filed their say on backleaf of the application and submitted that the reasons mentioned in the application is not true and correct because defendant has not given the application for framing of issues. The issue is framed on 12.06.2024. Thereafter, on the dates of hearing, defendants are absent. Consequently, Court has closed their evidence. Hence, prayed for heavy cost.

4. Perused the application and say. On perusal of record it shows that the suit is very old. Defendants had knowledge of pendency of suit. On the date of hearing, the witness of defendant has called but he is absent on subsequent two dates. This shows the liberal attitude of defendants towards the old proceeding. Hence, for the principle of natural justice, the opportunity is given to defendants to proceed with

the matter subject to heavy cost. Hence, the application is allowed with heavy cost. Hence, I pass following order ;

**ORDER**

The application is allowed subject to cost of Rs.2,000/- (Rupees Two Thousand Only).

Date : 19.07.2024  
Parner.

( S. C. Salvi )  
Jt. Civil Judge Junior Division,  
Parner.