

ORDER BELOW EXH. NO.35

(Passed on 06-03-2026)

In this suit, present application Exh.35 is filed by the plaintiff for setting aside the evidence close order dated 24-02-2026 passed below Exh.1. The plaintiff has also prayed for the permission to adduce his further evidence by examining the P.W. No.3 namely Narendra Keshavrao Navalkar.

2. In this application the plaintiff has stated that, on earlier fixed date of this suit he supposed to adduce the evidence of his witness No.3, but on that day the advocate of the plaintiff was busy in preparing the affidavit of examination in chief of P.W.3. Therefore the plaintiff and his advocate could not appear in court when their names were called out by the court. Consequently, an order for closing the evidence of plaintiff is passed on 24-02-2026. But, if he is allowed to adduce his further evidence by examining P.W. No.3 then it will not cause any prejudice to the defendant. Therefore, this application be allowed and he be allowed to adduce the evidence of his witness No.3.

3. The defendant has filed his say on the overleaf of this application, he has strongly opposed this application. He has further contended that, the plaintiff is willing to cause delay in this matter, therefore, he is filing this kind of applications for seeking further time. He has further, prayed for the rejection of this application.

4. Heard the learned respective Advocates of both sides. I have gone through the record of this suit. Considering the nature of this suit, it appears that the examination of plaintiff's witness No.3 namely Narendra Keshavrao Navalkar is necessary for the proper adjudication of dispute. If this application is allowed then no prejudice to will cause to other side. Hence, I pass the following order.

ORDER

1. The application Exhibit 35 is allowed.
2. The order dated 24-02-2026 passed below Exh.1 is hereby set aside and plaintiff is hereby allowed to adduce his further evidence subject to condition that he shall filed the affidavit of examination in chief of P.W. No.3 namely Narendra Keshavrao Navalkar today it self.
- 3 Cost in main cost.

Date: 06/03/2026

(**Mahesh S. Kale**)
Jt. Civil Judge (Sr. Dn.),
Akot.