



ORDER BELOW EXH. NO.76

This application is filed by the plaintiff for setting aside the order dated 18.4.2024 passed below Exhibit 75 through which this matter is kept for passing dismissal order in default of the plaintiff. It is contended by the plaintiff that he has already filed his affidavit of examination in Chief and today he is ready for cross-examine by the defendants. Hence, it is prayed by the plaintiff that he be allowed to enter into witness box for his cross examination by setting aside order dated 18.4.2024.

2. The defendants have filed their say on the overleaf of this application. They have strongly opposed this application and prayed for passing of order of heavy costs.

3. The suit is filed for the relief of declaration and equitable relief of permanent injunction. Therefore, liberal view has to be taken while considering this application. Considering the reason narrated by the Ld. Advocate of the plaintiff at length it appears that the said reason is satisfactory reason to set aside the order dated 18.4.2024 passed below Exhibit 75. If this application is allowed, then it would be helpful for the proper adjudication of dispute on merit and it will also be helpful to avoid multiplicity of proceedings. Hence, in the interest of justice, I proceed to pass the following order.

ORDER

1. The application Exh.76 is allowed.
2. The order passed below Exh.75 on 18.4.2024 against the plaintiff is hereby set aside and he is permitted for entering into witness box for conducting his further examination in chief and also for cross-examination by the defendants.
3. Costs in main cause.

Date: 20/4/2024

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

CERTIFICATE

I affirm that the contents of this P.D.F file Judgment are same word for word as per original Judgment.

Name of Steno	:	A.M.KALE
Court Name	:	C.J.[S.D.] Akot
Date	:	20/4/2024
Judgment Signed by P.O On	:	20/4/2024
Judgment Uploaded on	:	20/4/2024