

Regular Civil Suit No. 20/2019
Uttamrao Bapat -vs- Gajanan Rajgure

ORDER BELOW EXH.33
(Passed on 17.10.2024)

This is an application filed by the plaintiff for setting aside no evidence order passed against him.

2. It is contended in the application that the plaintiff could not file evidence in the present suit as the other case was pending before the District Collector, Amravati. He wants to adduce the evidence in the present suit. Hence, he prayed to allow the application.

3. The say of the other side was called. Heard both the sides. The other side strongly opposed the present application. Perused the application and the record.

4. On perusal of record, it reveals that the present suit is filed for declaration and permanent injunction. It is evident from the face of record that the evidence of the plaintiff was closed by passing order at Exh.1 on 26.03.2024. In order to adjudicate the matter effectively, it is necessary to give an opportunity to both sides to lead their respective evidence. The plaintiff is ready to adduce his evidence on the next date.

5. Considering the nature of the suit, facts and circumstances, sufficient opportunity has to be given to the plaintiff to adduce his evidence. In order to avoid the further multiplicity of the proceedings and to adjudicate the suit finally, it is necessary to give fair opportunity to the plaintiff. The present application has merits and it deserves to be allowed. Taking in view of nature of the application, it would be just and proper that the costs of the proceedings shall be included in the main cause. **Hence, the following order is passed.**

ORDER

1. The application (Exh.33) is allowed as under.
2. The evidence close order passed against the plaintiff on 26.03.2024 at Exh.1 is set aside.
3. The plaintiff is directed to adduce his evidence on the next date without fail.
4. Costs in main cause.
5. Both the parties shall take note.

Date : 17.10.2024
Teosa

(Vaibhav H. Shende)
Civil Judge (Junior Division),
Teosa