

**ORDER BELOW EXH. 73**  
**(CNR No.MHAU0500 0273 2010)**

1. The present application of recalling status of the matter was moved by the plaintiff.

2. It is the submission of learned advocate of plaintiff that the present application of recalling status was necessary in the interest of justice. He submitted that the plaintiff wants to move the application for amendment of plaint and appointment of court commissioner U/o. 26 R.9 of C.P.C.. Therefore, the present application needs to be allowed.

3. Per contra learned advocate of defendant filed their say vide Exh.76. It is the submission of leaned advocate of defendant that the matter is at the stage of Judgment. Therefore, the present application for request of recalling the status of the matter by closing of the evidence of the parties deserves to be rejected. The application is mere tactic to delay the proceedings. Therefore, he finally prayed that the application be rejected.

4. Perused the record. It appears that the matter is at the stage of argument. However, it is well settled proposition that in the interest of justice, every opportunity need to be given to parties to bring before this court, the best evidence so that the matter will be get decided and the multiplicity of litigation be avoided. It is pertinent to say that the application was moved by the plaintiff in order to file the application of amendment of plaint and appointment of court commissioner. The same will be decided on merits. However, for that

  
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purpose the present application deserves to be allowed. However, considering the delay and the matter is more than 10 years of old, costs need to be saddled upon the plaintiff. Hence, I proceed to pass following order:

**ORDER**

The application Exh.73 is allowed, subject to costs of Rs.2000/-.



(S.R.Shinde)

2<sup>nd</sup> Jt. Civil Judge Jr. Div.  
Vaijapur.

Date:- 05.10.2021