

ORDER BELOW EXH.57 IN RCS NO.69/2013

Mannu Vs. Baban

This is an application filed by plaintiff to set aside the evidence closed order passed against him and the order of proceeding the evidence of defendant without cross-examination of plaintiff, on the ground that the plaintiff was busy in the operation of his daughter-in-law and he was required to take her in hospital frequently. Hence prayed to allow the application.

2. The other side has opposed the application by filing say at Exh. 58 on the ground that medical reports were dated 20.03.2025 and 18.04.2025, on that day no any order passed against plaintiff by Court, when the evidence of plaintiff was closed, plaintiff was absent and no any application was filed. Therefore the evidence of plaintiff was closed and even the evidence of defendant was proceeded without cross-examination hence prayed to reject it.

3. Perused the record. It appears that on 08/04/2024, the evidence of plaintiff was closed and this application was filed on 09.12.2025 i.e. after a period of more than one and half year. No any justifiable is reason mentioned in application for the absence of plaintiff on that day and on the medical papers are of the date 18/04/2025. Even due to absence of plaintiff, the evidence of defendant is proceeded without cross-examination of plaintiff, still in

order to decide the matter on merits, the application needs to be allowed in the interest of justice. However to check delay, some costs to be imposed, as the matter is pending since last 10 years.

4. Hence the application is allowed costs of Rs.5000/-. Out of it Rs.2500/- payable to defendant and Rs 2500/- is payable to the TLSA, Paithan.

5. Payment of costs is condition precedent for this order.

Date : 06/01/2026

(G. V. Gandhe)
Civil Judge, J.D.
Paithan.