

∴ ORDER BELOW EXH.32 IN R.C.S.NO. 20 OF 2018. ∴

Read the application and say. Heard both parties. The plaintiff filed claim affidavit on Exh. 31. matter is posted for evidence of the plaintiff. But on 20/9/2023 plaintiff was out of station , so he unable to present before the court. So this court has marked his absent and evidence of plaintiff was discarded. Now plaintiff is present and ready to lead evidence. He filed this application for setting aside order Exh. 31 and seeking permission to lead evidence.

2. The defendant resisted the application by filing his say on Exh. 33. He stated that, the reason mentioned in application are false and no documents filed on record. Then necessary opportunities are given to plaintiff for evidence , but he has not turned in the Court. Hence prayed to reject the application with cost.

3. The Plaintiff argued that, he is ready to lead evidence. Therefore they prayed to set aside order Exh. 31 passed against him. He further stated that, if the opportunity is not given to him , he would suffer great loss of natural justice. Hence prayed to allow the application.

4. Perused the record. The plaintiff has filed present suit for the relief of declaration. Reason mentioned in application are not satisfactory. But It is necessary to give an opportunity to the plaintiff to place his case before the court by evidence. Further it will helpful to the Court to decide the dispute between both parties on merit. In a suit both parties

have to be gave an oppportunities to produce their evidence .
Consequently the application is liable to be allowed. The delay
caused by the plaintiff shall not be brushed aside. Therefore
while allowing the application, it needs to impose appropriate
costs on the plaintiff. Resultantly, I pass the following order.

ORDER

1. Application Exh. 32 is allowed subject to cost
of Rs. 300/- (Rs. Three Hundred only).
2. Cost be paid to the defendant.
3. On payment of cost, evidence filed by the
plaintiff would be taken on record.

Date :07/02/2024

sd/-
(Dhananjay S. Deore)
Jt. CJJD, Phulambri

CERTIFICATE

affirm that the contents of this P.D.F. File order are same, word to word, as per the original order.

Name of the Stenographer : Shri. S.D.Chavan

Name of the Court : C.J.J.D. & J.M.F.C.,
Phulambri

Date of order : 07/02/2024

Original copy of order signed by
the presiding officer on : 07/02/2024

PDF copy of order uploaded on : 07/02/2024

