

MHAU130000052006



ORDER BELOW EXH. 215 IN RCS NO.65/2010

Perused the application and say filed by the defendant on application except.

02. Ld. counsel for the plaintiffs are absent when repeatedly called. Ld counsel for the defendant submitted that without disclosing the name of witness present application has to be filed and medical report no where stated about the bed rest. He further submitted that plaintiffs are unnecessarily prolonging the case.

03. On perusal of record it reveals that, present case is of 2006. Cross-examination of PW 5 has been completed on 04.02.2019. On 19.11.2019 plaintiff has filed an application for adjournment on ground that, plaintiff went to funeral and that application has been granted as a last chance subject to cost of Rs.1000/- with direction to proceed with the case on next date. On 17.12.2019 again plaintiffs moved an application for adjournment on the ground that due to death of family member of deponent Valjibhai Patel he was not come to advocate's office and said application has been granted as a last chance subject to cost of Rs.2000/- with direction to proceed with the case on next date. On 21.01.2020 again plaintiff moved an application for adjournment on the ground that on account of marriage of nearest relative of deponent he is unable to lead his evidence and said application has been granted lastly subject to cost of Rs.3000/- with specific direction to proceed with the case on next date. Today again

plaintiff moved an application for adjournment on the ground that brother of the deponent Shri. Chaganlal Patel his not feeling well on account of operation of cataract and unable to lead his evidence. On perusal of record it reveals that, present suit is of 2006. Plaintiffs have not filed list of witnesses on record. Cross examination of PW 5 has been completed on 04.02.2019. Thereafter plaintiffs have not filed any affidavit in chief of witness on record. Today plaintiffs moved the present application for adjournment and filed discharge summery dated 10.02.2021, reports dated 09.02.2021, 03.02.2021 and medical bill dated 09.02.2021 of one Chaganlal Patel. Plaintiffs have not filed affidavit in chief of any witness after PW 5 on record. In such circumstances it is not justifiable to grant adjournment . Hence I pass following order.

ORDER

Application stands rejected.

Date :- 26-02-2021
Place :- Aurangabad.

(Smt. A. S. Badgujar),
Civil Judge Senior Division (Corporation),
Aurangabad.

CERTIFICATE

I 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	: Komal M. Shinde.
Court	: C.J.S.D. (Corporation Court), Aurangabad
Date	: 26.02.2021
Order signed by the presiding officer on	: 26.02.2021
Order uploaded on	: 01.03.2021