

MHBI160002932010



R.C.S. No. 11/2010
Babasaheb vs. Rukminbai

ORDER BELOW EXH. 79

The plaintiff filed present application for setting aside evidence close order passed on 17/06/2023.

2. Application is opposed by defendants by filing their say over the application itself.

3. Perused the application and say along with record of the proceeding. Heard learned advocates for both sides. It appears that, present suit is filed for declaration and injunction. As stated in the application evidence of the plaintiff is closed by the Court by order dated 21/12/2019 and it is set aside by the Court as per order passed below Exh. 76 on 22/12/2022 by imposing cost of Rs. 450/-. However the plaintiff has not complied said order. Hence evidence of the plaintiff is again closed by the Court. However by the present application, the plaintiff prayed for setting aside evidence close order and grant permission to lead further evidence. On the other hand defendants strongly opposed this application.

5. As a natural justice, both parties should be heard and given equal opportunity to put their case before the Court. In the present case, if the present application is rejected, then the plaintiff could not bring his case before the Court through evidence. It will cause great hardship on the part of the plaintiff. Undisputedly this Court has given several opportunities to the plaintiff to lead his further evidence. But the plaintiff failed avail it. Due to which delay is caused to this proceeding. But considering the rule of natural justice one more last opportunity will have to given to the plaintiff to lead his further evidence by imposing reasonable cost and conditions. Only on the ground of delay the plaintiff's right to lead evidence cannot be deprived. Considering the delay caused by the plaintiff amount of Rs.500 /- is sufficient to impose on the plaintiff as a additional cost. Hence, I proceed to pass following order is passed.

Order

1. Present application is hereby allowed and 'evidence close order' passed against the plaintiff is hereby set side subject to additional cost of Rs. 500/-.
2. The plaintiff is hereby directed to pay cost amount of present application and cost amount of order passed below Exh. 76 to defendants and lead his further evidence without seeking adjournments.

Date:- 01/02/2025

(A.S.Jagtap)
Civil Judge Jr. Div., Shirur Kasar.

"I affirm that the contents of this PDF file are word to word as per original Judgment/order".

Sd/-
[Sagar S. Ajabe]
Stenographer Grade-3

Dictated on : 01/02/2025
Transcribed on : 01/02/2025
Checked & signed on : 01/02/2025