

MHBI160012332016



R.C.S.No.581/2016

Shailendra Vs. Maroti

ORDER BELOW EXH. NO.21

Perused application and say. Heard both the sides. Plaintiff prayed for setting aside the evidence close order passed dated 14.12.2022. The learned advocate for the defendants have given their say on the application itself and prayed for rejection of application and in alternate prayed for costs.

2. Plaintiff contended that, he was out of station for his important work hence, he was not able to remain present before the Court. The present matter deals with the compensation. Hence, it is necessary to give chance to the plaintiff to proceed further. Therefore, plaintiff prayed for setting aside evidence close order passed against him.

3. Per contra, the learned advocate for the defendants submitted that the plaintiff intentionally wants to prolong the matter, plaintiff has filed the false claim, plaintiff has given the sufficient opportunity. Hence, prayed for rejection of application and in alternate prayed for costs.

4. The plaintiff has filed the present suit for compensation. Read Exh.20. The plaintiff has given the adjournment application which was rejected as the plaintiff has not complied the order passed below Exh.19. On perusal of the suit and application it seems that important civil rights of the plaintiff is involved. It is necessary to decide every suit on merit rather than the technicalities. Hence, considering the reasons stated in the application it needs to be allowed. However, the delay caused can be compensated by imposing

proper cost. Hence, I pass the following order:

ORDER

1. Application is allowed subject to depositing the cost of Rs.550/-.
2. Cost be given to the defendants on or before next date.
3. Parties to take note accordingly.

Date : 06/03/2023

(A.T.Mangire)
Civil Judge Jr. Division,
Shirur kasar.

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

Sd/-
[P.B. Kusumkar]
Stenographer Grade-3

Dictated on : 06/03/2023
Transcribed on : 06/03/2023
Checked & signed on : 06/03/2023