

MHBI160013392020



R.C.S.No.603/2020

Shakuntala Vs. Ravsaheb

ORDER BELOW EXH. NO.38

Perused application and say. Heard both the sides. Plaintiff prayed for setting aside the evidence close order passed dated 12.07.2023. The learned advocate for the defendants have given their say on the application itself and prayed for rejection of the application.

2. Plaintiff contended that, due to important work she was out of station hence, she was not able to remain present before the Court. Hence, on 12.07.2023 she has not led the evidence hence, the evidence close order was passed against her, the present case relates with the immovable property. Hence, plaintiff want to lead the evidence. Therefore, plaintiff prayed for setting aside evidence close order passed against her.

3. Per contra, the learned advocate for the defendants submitted that the plaintiff has not filed any evidence alongwith the present application, the plaintiff intentionally filed the present suit for harassing the defendants. Hence, defendants prayed for rejection of the application.

4. The plaintiff has filed the present suit for partition and separate possession in respect of the suit property. 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. The defendants has not

filed w.s. and say hence, they are not entitled for the cost. Hence, I pass the following order:

ORDER

1. Application is allowed.
2. Parties to take note accordingly.

Date : 23/10/2023

(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 : 23/10/2023
Transcribed on : 23/10/2023
Checked & signed on : 23/10/2023