

ORDER BELOW EXHIBIT NO.54
(JANTA CENTRAL VRS KAMLESH)

1. Opponent has filed the instant application to set aside no-evidence order passed by this Court on 03.09.2025. Application filed by opponent on the ground that if opponent not file an evidence, then irreparable loss would caused to him. He prayed to allow to submit the evidence and no-evidence order dated 03.09.2025 may kindly be set aside.

2. Disputant has filed its say thereon and strongly opposed instant application contending that, opponent has adduced his evidence on 19.09.2022 and on 12.11.2024 the disputant has cross-examined him. Since long the matter was pending for further evidence of opponent. Hence, on 03.09.2025 this court passed no-evidence order against opponent. Hence, opponent filed instant application only to prolong the matter. Hence, he prayed to reject the instant application.

3. Perused the record. Heard learned counsel for disputant at length. The learned counsels for opponent are absent, when called repeatedly till 04.45 p.m.

4. From the perusal of the record, it reveals that already the evidence of opponent is filed on 19.09.2022 and his has been cross-examined by the disputant on 12.11.2024. Since, then the matter was pending for further evidence of opponent. Hence, lastly 03.09.2025 this court passed evidence closed order against opponent. It reveals from the record that, even given more than sufficient opportunity opponent and his learned counsel are deliberately absent and failed to adduced further evidence.

5. From the record, it shows that, ample opportunities already been given to opponent to adduced further evidence. It is well settled principle that, the party to the litigation cannot be allowed to suffer and every

opportunity should be given to parties to contest the suit. However, the party to the litigation must be diligent about litigation filed by or against them. There is no any reason mentioned by the opponent in the instant application that why he has not adduced his further evidence within time.

6. It is pertinent to note that, opponent is the contesting party to present litigation. It seems the negligent on the part of opponent. Hence, an opportunity to contest the dispute is to be given by imposing costs. Hence, I pass the following order as under :

:: ORDER ::

1. The instant application below (Exh.54) is allowed subject to costs of Rs.500/- payable to disputant.
2. The opponent is hereby directed to appear on next date and pay the costs of amount to disputant without any delay.
3. Both parties to take a note.

(Dictated and pronounced in open court)

At Akola

Date: - 26.11.2025

(V. V. Joshi)

Judge,

Co-operative Court, Akola