



**R.C.S. No. 83 of 2015**  
**Murlidhar Patil Vs. Himmat Patil**

**CNR-MHDH05-001491-2015**

**ORDER BELOW NO. 77 in R.C.S. NO. 83 of 2015**  
**(Passed on dated 31.01.2023)**

Perused the application, say filed by defendant and record.

**Application :**

2. This is application filed by Plaintiff to adjourn the matter. It is contention of plaintiff are that, the close relative of his witness has died. So witness went to out of station for funeral. So he unable to attend the court. Hence the plaintiff is pray to adjourned the matter.

**Say :**

3. The application is strongly opposed by defendant. The application is for lingering the matter. So he pray to reject this application in alternate he pray to impose heavy cost.

4. Heard both advocates. Perused the record. This is suit is filed for partition and possession. The defendant No. 1 has appeared and filed W.S. vide Exh. 52. prior to this the matter has proceed without W.S. against defendant No. 1 and 2 and ex-party against defendants No. 3 and 4 vide order below Exh. 1 dated 13.04.2016. Then plaintiff has adduced evidence. Even the plaintiff has closed his evidence vide Exh. 43 dated 15.06.2018. Even the written notes of argument has on record vide Exh. 44 dated 30.06.2018. Then the defendant No. 1 has filed application vide Exh. 46. Then accordingly the W.S. has filed on record.

5. My predecessor has framed issue vide Exh. 53 dated 03.08.2019. Then the plaintiff has filed amendment application which was allowed by this court. Then defendant No. 4 has added party to the suit. The suit summons duly served upon defendant No. 4 he appeared through advocate. But he has not filed W.S. within

stipulated period. So matter is proceed without W.S. against him, vide order below Exh. 1 dated 01.07.2022. The plaintiff has filed affidavit vide Exh. 68. The cross by defendant No. 1 is completed.

6. Ideally vide order XVII of C.P.C. three adjournment may be granted. Here the court has avail ample opportunity to the plaintiff. Though the reasons may be reasonable, but in the interest of justice, last chance is granted to plaintiff. Hence order.

**: O R D E R :**

1. The application is allowed.
2. Further the plaintiff has directed that the proceed with the matter on next date failing which the evidence will be closed.

Sakri.

Date : 31.01.2023.

**( R.B. Dole)**

Jt. Civil Judge, Junior Division, Sakri.

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**:- CERTIFICATE :-**

I certify that the contents of this PDF File are word to word as per Original Judgment /Order .

Name of the Steno :- Mayur Yogendra Jadhav

Name of the Court :- Jt. C.J.J.D. & J.M.F.C., Sakri.

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