

MHGA030011042019



IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, GADCHIROLI

(Presided over by Shri. S.B. Vijaykar)

PWDVA Appln. No.30/2019

Sarita Sanjay Bhave

Age: 35 yrs, Occupation : Household
Through Rajkumar Ghodeswar,
R/o Dongre Petrol Pump,
Gadchiroli

... **Aggrieved person.**

-Vs-

Sanjay Murlidhar Bhave

Age: 41 yrs, Occupation : Service
R/o Z.P High School,
Dangorli, Gondia
Tah & Dist- Gondia

... **Respondent.**

ORDER BELOW EXH.53

(Passed on 17.03.2026)

The respondent prayed for giving him the permission to lead the evidence by setting aside no evidence order passed against him. On the other hand, the aggrieved person strongly opposed the application by giving say at Exh.54. She submitted that the respondent has filed this application only to prolong the trial. This application has been moved on the closing hours of the business day of the court. This itself shows the ulterior conduct of the respondent to delay the proceeding. Thus, prayed for rejection of the application. Alternatively prayed that if the court comes to the conclusion that the permission be granted to the respondent then conditional order with the direction to pay arrears of maintenance

be passed against the respondent.

2] I have heard to both parties. I have considered the submissions advanced by both parties. The present application given by the respondent at 5.25 p.m on 21/02/2026. The evidence closed order was passed against him at 5.00 p.m. on 21.2.2026. The said application moved on the same day at the time of closing the business hours of the court working. He assigned the reason that his train was late. The respondent is residing in Gondia. So,reason given by the respondent is probable because sometime the trains are running late due to one or other reason.

3] The aggrieved person has condemned the conduct of the respondent. No doubt this case is more than five years old. Still it is not yet decided. I will not blaming to either of the party for causing delay. But at the same time, I am of the opinion that for deciding the present petition on merit, an opportunity of leading the evidence needs to be given to the respondent. The aggrieved person prayed for passing of conditional order. But her say is not clear enough to get how much amount has been due against the respondent towards arrears of maintenance. The aggrieved person has not given specific details in her say about arrears. In such situation, I am not inclined to pass conditional order rather looking to the reason put forth by the respondent, this is a fit case to grant permission to the respondent to lead evidence by setting aside no evidence order passed against him. But before passing such order, it is necessary to impose certain conditions upon the respondent for conclusion of trial. Hence, I proceed to pass the following order :

- O R D E R-

1] The application Exh.53 is allowed and thereby permission is granted to the respondent to lead the evidence by setting aside no evidence order passed against him.

2] The respondent is hereby directed to remain present on next date to lead the evidence.

3] It is also directed to the respondent to conclude his side of evidence within 15 days from this order.

4] If the respondent failed to close his side of evidence then necessary order will be passed against him.

Gadchiroli.
Dt. 17-03-2026

(S.B.Vijaykar)
Chief Judicial Magistrate,
Gadchiroli.