

Spl.C.S.No.56/2012
Girjabai .vs. Arjun

ORDER BELOW EXHIBIT 54
(Delivered on 24-7-2014)

1. This is an application to set aside forfeiture of the right of plaintiff to lead evidence. According to plaintiff she is aged about 70 years. However, for some reasons she could not lead evidence and therefore her right of evidence is forfeited. Since, her legal rights are involved in the present case, therefore it is necessary to allow her to lead evidence. Hence, this application.

2. The application is opposed by the defendants by contending that no convincing and legally acceptable grounds are mentioned for setting forfeiture of the evidence. Further, it is contended that already evidence of the plaintiff is closed and defendants have started their evidence rather entering into witness box to substantiate his pleadings. Again, plaintiff has availed number of opportunities , yet failed to lead her evidence.

3. Heard Shri Ghode, learned advocate appearing for the applicants/plaintiffs and Shri D.B.Naik and Shri A.M.Subhani learned advocates appearing for the defendants.

4. This being a civil suit no doubt defendant has already started his evidence as right of plaintiff to lead the evidence is forfeited by this Court.

Yet in order to afford proper and fair opportunity to the plaintiff to substantiate her pleadings she is allowed to lead her evidence subject to payment of **Rs.2000/- (Rs. Two thousand only)** to be paid as a condition precedent and on making payment she shall lead her evidence without fail and without availing any adjournment for the same.

Date : 24-07-2014 }

Sd/- 24-7-14
(Dr. F.M.Khwaja)
Civil Judge (S.D.)
Jalna

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