

ORDER BELOW EXH.134

Defendant No's.1(A) to 1(D) filed this application for setting aside the order of closing their evidence.

2] It is contended by these defendants that, on previous date their counsel was absent as her relative was expired. Hence, they could not adduce their evidence on that day. Therefore their evidence was closed by the court. Further they prayed for permitting them to adduce their evidence.

3] The plaintiff objected the application on the ground that these defendants have not adduced their evidence within time. He further prayed for imposing cost. Defendant No.3 strongly opposed the application on the ground that this matter is old and these defendants are deliberately prolonging the matter. On these grounds he prayed for rejecting the application.

4] Heard the learned counsel for defendant No's.1(A) to 1(D), the learned counsel for the plaintiff and defendant No.3

5] The plaintiff has filed this suit for declaration and injunction. The plaintiff has closed her evidence on

19/11/2018. Since 19/01/2019 this matter is pending for evidence of defendant No's.1(A) to 1(D). As these defendants failed to adduce their evidence, their evidence was closed on 23/01/2019. However, considering the ground, in order to give a last opportunity, the order of closing their evidence is to be set aside. Therefore, in the interest of justice, I pass the following order.

ORDER

- 1] The application is allowed.
- 2] The order of closing evidence of defendant No's 1(A) to 1(D) dated 23/01/2019 is set aside subject to cost of Rs. 300/- be paid to plaintiff and defendant No.3

Sd/-

Jalna

Date :- 30/01/2019

(Smt. S.D.Soni)

5th Jt. Civil Judge (S.D.)

Jalna

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**Spl.C.S. No. 56/2012
Girijabai Vs. Arjun & oth.
CNR No.MHJN02-001519-2012**

Certificate

I affirm that the contents of this PDF file order
are same word to word as per original order.

Name of Steno : Kum. D.J.Deshmukh
Name of Court : 5thJt.Civil Judge S.D.,Jalna.
Date : 30/01/2019

Sd/-
Steno