


<p>MHJN080000862020</p> 	<p>Kamaroddin & Ors Vs. Salim & Ors</p>
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ORDER PASSED BELOW EXH.55

(Passed on 04/08/2025)

1] This is an application filed by plaintiff No.04 for setting aside evidence closed order passed against plaintiff.

02] Plaintiffs submits that the applicant has filed application for adjournment due marriage function in their home. However, the Court has rejected the application and no evidence order passed against them. They also submits that the suit is filed for share in Darga's property. Therefore, there is need opportunity to lead their evidence. If the plaintiffs are allowed to lead their oral evidence it will help to the Court to decide matter on merit. Hence, they prayed to allow the application.

03] The defendants opposed the application by filing his say and overleaf the application and raised objection. The learned advocate for the defendants submits that evidence affidavit filed on 20.01.2024. Sufficient time is granted by the Court to remain present for cross examination. Then also the plaintiffs have not obeyed order of this Court. Hence, reject the application.

04] Perused the application and say. Perused the record and proceeding. It appears that, the present suit has been filed by the plaintiff for perpetual Injunction. The Court has granted time to remain present plaintiff for cross examination. The plaintiff failed to present . Therefore, the Court has passed evidence closed order against the plaintiff below Exh.01.

05] Considering the nature of the suit, grounds mentioned in the application and for the interest of the justice it is necessary to give opportunity to the plaintiffs to lead their evidence. If the present application is allowed then no prejudice will be caused to the defendants. On the other hand it would be helpful to the court to decide the matter on merit. At the time of allowing this application inconvenience caused to the defendants due to such delay could not be ignored which needs to be compensated in money. Hence, I pass the following order.

ORDER

1]	The application below Exh.55 is allowed with cost.
2]	Evidence closed order passed against the plaintiff below Exh. 1 on 06.01.2025 is hereby set aside subject to payment of costs of Rs.200/- paid to the defendants.

Date: 04/08/2025

Sd/-
(Smt. L.N. Panchal)
Jt. Civil Judge Junior Division,
Ghansawangi.