

MHJN080001392016 	<u>ORDER PASSED BELOW EXH.55</u> (Passed on 05.08.2025)
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1] This is an application filed by plaintiffs for setting aside evidence closed order passed against them.

02] Plaintiffs submit that the the plaintiff failed to lead their remaining evidence due to illness of the witness. Therefore, the court has closed evidence of the plaintiff and matter be posted for defendants evidence. They also submit that they interest in the suit 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 overleaf the application and raised objection. The learned advocate for the defendants submit the matter is posted for defendants evidence and defendant is lead their evidence. Despite sufficient opportunity the plaintiff failed to lead their evidence. The evidence affidavit should be filed along with this application. However, the plaintiff is not to do. 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 costs.
2]	Evidence closed order passed against the plaintiff below Exh.1 on 15.04.2025 is hereby set aside subject to payment of costs of Rs.500/- paid to the defendants.
3]	Plaintiffs are directed to lead their evidence on or before next date.

Sd/-

Date: 05.08.2025

(Smt. L.N. Panchal)
Jt. Civil Judge Junior Division
Ghansawangi