

Order On Exh-60 in RCS NO-42/2015

This is an application filed by Pkt to set aside ~~the~~ evidence closed order passed against her and permit her to lead further evidence.

2. Pkt contended that she has filed personal suit for the relief of Perpetual injunction and matter is pending for hearing. Due to surgery of eye of Pkt she could not lead the evidence of her witness. This evidence closed order is passed against her, ~~but~~ she wants to lead evidence of other witnesses hence prayed for setting aside the order passed against her.
3. Led Adv for defnt filed his say, below the application and contended that, after ample opportunity Pkt failed to lead her evidence since long. Hence order has been passed against her. Hence prayed for rejection of application with cost.
4. Perused the record, ~~and~~ both sides, it appears that, matter is pending for evidence of Pkt since 17.4.23 and failure of the same, evidence closed order is passed on 8.8.23. The application to set aside the same is filed on 30.8.23. The relief mentioned in the application is not supported by any documentary evidence hence not acceptable. Matter is old and valuable rights of both parties are involved

in the suit. Considering the principle of natural justice, the application deserves to be allowed in following way.

ORDER

→ Application is quashed on cost of Rs 200/- and directed to pay the same on or before next date.

→ If the OEDs not complied on next date ^{and lead evidence} matter again starts on same stage.

Arav
9.1.24