

MHKO070009872016



**Order below Exh.81 in Spl. Civil Suit  
No.26/2016.**

Dwarakhanath Jadhav

Vs.

Arvind Jadhav and others

The defendant No.2 has filed the present application for setting aside the 'evidence close' order passed against him below Exh.1. The plaintiff has filed his say and objected the application.

2. Perused the application, say and record. Heard both sides. On perusal of record, it appears that on 26/09/2025 evidence close order was passed against the defendant No.2 below Exh.1. It is alleged by the defendant No.2 that by presuming date of present case as 26.11.2025 he remained absent on previous date. Therefore, evidence close order was passed against him. It appears that the reason mentioned by the defendant No.2 in his application for setting aside evidence close order is sufficient. Moreover, it appears that the plaintiff filed present suit for declaration, partition and separate possession. Therefore, the important rights of the parties are involved in the present suit. Therefore, it is just and proper to give an opportunity to the defendant No.2 to adduce his evidence by imposing cost. In the result, I pass following order.

**ORDER**

Application (Exh.81) is allowed subject to cost of Rs.200/- (Two Hundred Only) to be paid to the plaintiff and evidence close order passed against the defendant No.2 below Exh.1 is hereby set aside.

Jaysingpur.

Date : 21/11/2025.

**(P. A. Patil),**

Jt. Civil Judge Senior Division,  
Jaysingpur.