

MHKO110015232017



Reg. Civil Suit No.159 / 2017.
(CNR No. MHKO110015232017)

ORDER BELOW EXH.86.

01. The present application is made on behalf of the plaintiff to set aside the 'evidence close' order passed vide **Exh.01**, dated 05/04/2024.
02. Defendants filed their say on the leaf of the present application and submitted that, reasons mentioned in the application are not reasonable. Hence, they prayed to reject the application.
03. Perused the application and say thereon. Heard to the learned advocates for both sides.
04. It is the contention of the plaintiff that, on 05/04/2024, due to some personal reasons it was not possible for her to appear before the Court for her cross-examination at the hands of defendants. Hence, this Court passed evidence close order. She further submitted that, her evidence is necessary for her to prove her case. Hence, she prayed to set aside the evidence close order passed on 05/04/2024.
05. By considering the nature of the suit and the relief claimed by the plaintiff, I am of the opinion that, evidence of the plaintiff, is necessary to decide the controversy issue involved in the suit. So, plaintiff has to be given an opportunity to adduce her evidence, otherwise plaintiff will suffer in his case. Hence, I am of the opinion that, considering the above factual situation it is necessary to give chance to the plaintiff to adduce her evidence in support of her case. Hence, following order -

ORDER.

1. Application vide **Exh.86**, is allowed, subject to cost of Rs.200/-(Rs. Two Hundred). Cost be paid to defendants.

2. 'Evidence close order' passed below **Exh.01**, dated 05/04/2024 is hereby set aside.
3. Application vide **Exh.86**, is disposed off accordingly.

Date : 06/07/2024.

(**L. M. Pathan**)
Civil Judge Junior Division,
Peth-Vadgaon.