

MHKO130005722014



ORDER BELOW EXH. 49 IN R.C.S. No. 120/2014

This application is filed by plaintiffs for setting aside evidence discard order dated 27/02/2020 regarding evidence of P.W.1.

2. Defendants filed their say and resisted the contents of this application. They contended that, the reasons mentioned in the application are not bonafide. Hence, they prayed for rejection of this application and they alternatively prayed for cost of Rs. 1500/-.

3. Perused the application and say filed thereon. Heard Ld. Advocate for both the sides. Apparently, reasons mentioned in the present application for non appearance of plaintiff for cross-examination are not seen cogent. However, this application is for setting aside evidence discard order of P.W.1. There is no huge delay. Hence, this application is required to be liberally. Per contra, if plaintiffs not given to opportunity to lead evidence, it will against the principle of natural justice. Hence, it is necessary to permit to lead evidence and setting aside evidence discard order. At the same time, the conduct of plaintiffs of remaining absent needs to be consider at the time of needs to be cost. Hence, the following order is passed.

ORDER

1. Application is allowed subject to cost of Rs.500/-.
Amount of cost be given to the defendants.

Kagal.

Date:- 16/03/2020

(V.H.Khedkar)

Civil Judge Junior Division,
Kagal.