


MHKO160005712018 	<p style="text-align: center;"><u>Order below Exh.38 in</u> <u>R.C.S.No.112/2018</u></p>
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1. Plaintiff has filed this application for setting-aside no evidence order passed against him. According to plaintiff, he failed to file his evidence affidavit within time. Therefore, no evidence order was passed against him on 15/09/2025. Plaintiff has unable to lead his evidence within time and the delay is not intentional. Hence, he prayed for setting-aside no evidence order passed against him.

2. Defendant has filed his say to this application. He stated that the application is false and bogus, plaintiff has not given any specific and justifiable reason for not leading his evidence, hence, prayed to reject the application.

3. After hearing learned advocates of both the parties, this court finds that, plaintiff has stated that learned advocate of the plaintiff could not file evidence of the plaintiff, therefore, no evidence order was passed against the plaintiff. It appears that delay is not intentional. Defendant has stated that plaintiff has not given specific and justifiable reason for this delay, hence, prayed to reject the application. It is seen that the delay is not intentional. It is necessary to lead evidence of plaintiff to decide this suit on merit. No prejudice will caused to the defendant if this application is allowed, he can be compensated by money. All the disputes between both the parties needs to be decided on merit. Considering all the facts, this court finds to grant this

application. Hence, following order -

ORDER

1. Application Exh.38 is allowed.
2. No evidence order passed against plaintiff is hereby set-aside subject to cost of Rs.100/- to the defendant till next date.
3. After payment of the cost, plaintiffs can lead his evidence.

Shahuwadi
Date : 06/04/2026

(S. D. Bagal)
Jt. Civil Judge, Jr. Division,
Malkapur-Shahuwadi