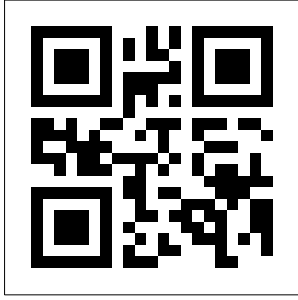


<p><u>MHKO190003762020</u></p> 	<p><u>ORDER PASSEED BELOW EXH. 36</u></p> <p><u>IN</u></p> <p><u>R.C.S. No. 94/2020</u></p> <p><u>(Vijaykumar Shamrao Bhoi Vs.</u> <u>Ramchandra Vyankappa Powar)</u></p> <p><u>(Date: 17/04/2026)</u></p>
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Defendant by filing the present application has prayed to set aside no evidence order dated 17/10/2025 passed against him below Exh.1.

2. The defendant has submitted that on 17/10/2025 no evidence order is passed against him. He had met to an accident. Thus, he could not meet his Ld. Advocate. No prejudice will be caused to the plaintiff. Per contra irreparable injury would be caused to him, if the order is not set-aside. Accordingly, he prayed to allow the application.

3. The plaintiff, by filing say (Exh.38) has strongly opposed the application. He has submitted that the contents of the application are false. The defendant has always remained absent in the court proceeding. The application is filed with intent to prolong the matter. Hence, he prayed to reject the application.

4. Perused the record. Heard Ld. Advocates for the plaintiff and defendant. Considered the submissions.

5. The record reveals that on 13/06/2025 the plaintiff by filing pursis at Exh.34, has closed his evidence. From them the matter was pending for evidence of the defendant. However, he failed to adduce the same. In result on 17/10/2025 by passing order below Exh.1 his evidence got closed. The defendant has filed the present application on 13/03/2026.

The roznama reveals that the defendant was consistently remaining absent before the court. However, at the same time, in the light of principles of natural justice the application deserves to be allowed subject to costs. The defendant is given opportunity to adduce his evidence and contest the matter. Hence, the following order :

ORDER

1.	Application (Exh.36) is allowed subject to costs of Rs. 500/- (Five Hundred Rupees Only) payable to plaintiff on or before next date.
2.	Evidence close order dated 17/10/2025 is set-aside subject to payment of cost.

Sd/-

Radhanagari

(N. P. Kakade)

Date :- 17/04/2026

Jt. Civil Judge, Jr. Division,
Radhanagari.
