

ORDER PASSED BELOW EXH.1 AND 26, IN R.C.S. No.372/2019

(Passed on 23rd day of April, 2026)

Nagesh VS. Bapusaheb

- 01.** The plaintiff has filed his examination-in-chief affidavit at Exh.26 on 31/08/2023.
- 02.** The matter was posted for cross-examination of the plaintiff. From 31/08/2023 till today the plaintiff has remained absent and not offered himself for cross-examination.
- 03.** Today Ld. Advocate for the defendant is present and ready to cross-examine. The plaintiff is absent. No application seeking adjournment or exemption is filed.
- 04.** It is settled law that, if a witness who has filed affidavit in lieu of examination-in-chief does not present himself for cross-examination, such affidavit cannot be read in evidence.
- 05.** Despite sufficient opportunities, the plaintiff has failed to remain present. Hence, I pass following order.

ORDER

1. The evidence affidavit at Exh.26 shall not be read in evidence.
2. Plaintiff's evidence stands closed.
3. If on next plaintiff fails to take effective steps, the suit will be dismissed for want of prosecution.

Place:- Ahmedpur
Date:- 23/04/2026

(R.D. Wabale)
Jt. Civil Judge, Sr.Dn. Ahmedpur