

	<p style="text-align: center;">ORDER PASSED BELOW EXH. 38, IN R.C.S. NO.757/2021 (Passed on 08th day of December, 2025) Ayodhya Vs. Manohar and Ors. CNR NO.MHLA050023052025</p>
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01. The present application is preferred by the plaintiff seeking to set-aside the order passed on the interim injunction application.

02. It is contended that plaintiff, being resident of Aurangabad, the distance between Aurangabad and Ahmedpur is around 264 Km., therefore, it is not possible for her to attend each and every date. It is further contended that on 24-07-2024, when the matter was posted on Argument on interim application for injunction, the Ld. Advocate for the plaintiff could not remain present on the relevant date on account of ligament injury. It is further contended that in the interest of justice and to decide the application on merits the order below Exh.05 passed on 24-07-2024 be set-aside.

03. The defendants in their say stated that contents of application are false, after given sufficient opportunity the interim application is filed on record. With this they requested to reject the application.

04. Heard Ld. Advocate for plaintiff and defendants. Records shows that suit is filed on 21-12-2021. Till 24-07-2024, the plaintiff did not takes steps to proceed with interim injunction application. Considering prolonged inaction, my Ld. Predecessor had taken up the interim injunction application and passed order that “in-spite sufficient opportunity the plaintiff failed to argue said application, hence it is filed”.

05. It is contention of plaintiff that her advocate could not remain present on the relevant date on account of ligament injury, but no medical certificate or any supporting document is placed on record to substantiate they alleged medical condition. The reasons mentioned in the application are vague. Mere assertion of illness of the advocate without medical proof or affidavit from the concerned advocate can not be treated as sufficient cause. Further, the plaintiff's residence at Aurangabad is not valid ground for continued absence when she has chosen to institute proceeding before this court.

05. The conduct of the plaintiff demonstrate negligence and lack of due diligence. The order sought to be set-aside is not shown to be erroneous or passed without given reasonable opportunity. No grounds are made out to exercise the discretionary power for recalling the order.

Hence, the order:-

ORDER

1. The application to set-aside the order passed on interim injunction application is rejected.
2. Plaintiff to proceed with the suit expeditiously.
3. No order as to costs.

Date:- 08/12/2025

Place:- Ahmedpur

(R.D. Wabale)

Jt. Civil Judge Senior Division
Ahmedpur