

**ORDER BELOW EXH. 313**

(Passed on : 09.10.2019)

01. Read application and say filed thereon. Heard both the parties. By way of this application defendant No. 2 & 5 submitted that on previous date their Advocate were out of station, therefore, they could not lead the evidence and the Court has passed the evidence close order. The plaintiff opposed the application and submitted that list of witness is not filed on record, the matter is old one. The proposed witness is not concerned with the matter.

02. Upon hearing both the parties and perusing the record, it appears that due to absence of defendant No. 2 & 5 their evidence came to be closed. The present matter is for partition of the properties involving the issue of paternity. In these circumstances, considering the reasons in the applications, it is necessary to set aside the order passed against defendant No.2 & 5. Though the matter is old one but considering the valuable rights of the parties it will be proper to allow the application. Filing of list of witness or the relevancy of the witness can be considered while deciding the application below Exh. 316. Hence, I pass the following order,

**ORDER**

Application is allowed.

Nilanga.  
Dated : 09.10.2019.

Sd/-  
(R. P. Kulkarni)  
Civil Judge Senior Division,  
Nilanga.