

MHLA110000972015



**Order below Exh.370 in RCS No.100/2010**

**Suryakant Vs. Ram & Ors.**

By this application plaintiffs have requested to set aside the order dated 09/08/2023 by which they are precluded from completing their final arguments, on the grounds stated in the application. Defendants have filed their say and raised strong objections. Perused application and say. Heard learned advocate Shri Waghmare for plaintiffs, whereas learned advocate for defendants remained absent when called at 12.45 pm. Record shows that on 17/04/2023 learned advocate for plaintiffs has partly argued the matter. On 19/06/2023 plaintiffs moved an application at **Exh.368** seeking adjournment which came to be allowed as last chance. Despite this, on 14/07/2023 defendant No.5 moved an adjournment application at **Exh.369** which came to be allowed as last chance to both the parties. In such circumstances, it was the duty of plaintiffs to argue the matter on 09/08/2023 without fail. However, as they failed to argue, the order in question came to be passed. Be that as it may. Considering the nature of suit, rights of the parties involved and the fact that learned advocate for plaintiffs is ready to argue on any date, in my opinion, it is necessary to permit him to complete his final argument. No prejudice will be caused to any of the defendants. However, while doing so, the period since the matter is pending and the fact that sufficient opportunities were given to plaintiffs cannot be neglected and for that purpose it is necessary to impose penalty upon plaintiffs. In the result, I pass following order:-

**ORDER**

1. The order dated 09/08/2023 precluding plaintiffs from completing their final argument is set aside and they are permitted to argue the matter, subject to penalty of Rs.500/- to be deposited towards legal aid office, Nilanga today itself.
2. After payment of penalty amount, plaintiffs shall argue the matter on next date without fail.

Date : 16/10/2023

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.