

MHLA110001982014

Order below application vide Exh.132
in RCS No. 87/2014
Mohan Vs. Vasant and Ors.

Perused contents of the application, affidavit vide Exh.133 and say thereon. The learned advocates for the parties submitted contents of the application and say thereon.

2. By this application, the plaintiff is seeking to set-aside order dated 11.11.2025 closing the plaintiff's evidence passed below Exh.01 on the grounds that he was ill so could not lead his evidence. The defendants contended that the plaintiff is prolonging the matter. The defendants filed affidavit of examination in chief of their witness namely Jivan Bhadarge. The defendant lastly contended to dismiss the suit.

3. However, the suit is for recovery of possession. The plaintiff is alleged to have been owner of the suit property. The defendants have alleged to have been made encroachment on the suit property. The plaintiff lastly claims the relief of recovery of possession of the various suit properties from the defendants. The defendants denied the plaintiff's entire claim and lastly contended to dismiss the

suit. The plaintiff filed affidavit his affidavit vide Exh.133 in support to contents of the present application. Moreover, cross-examination of Jivan Bhadarge (D.W.1) is yet to be recorded. In such circumstances, opportunity of hearing will have to be given to the plaintiff. Affording such opportunity will also be helpful to decide real controversies between the parties finally on merits and to avoid multiplicity of suits and proceedings. Opportunity of cross-examination of the plaintiff's witness would be available to the defendants. So, no hardship would be caused to them. Undoubtedly there is delay on the plaintiff's part. However, considering the aforesaid facts, the same will have to be compensated with the cost. Hence, in the interest of justice, I pass following order.

ORDER

1. Application vide Exh.132 is allowed.
2. Order dated 11.11.2025, closing the plaintiff's evidence, passed below Exh.01 is hereby set- aside subject to cost of Rs.500/- payable by the plaintiff to the defendants.

Date :09/01/2026
Place: Nilanga

(R. V. Pande)
Civil Judge, Senior Division, Nilanga,
District Latur.