

Order below Exh.111 in RD No.9/2014

By this application objector namely Raju Saminder Nitnaware has requested to set aside the order dated 15/04/2023 by which his evidence at **Exh.43** came to be discarded, on the grounds mentioned in the application. DH has raised strong objections. Perused application and say. Heard both the sides. Record shows that this execution petition is filed for execution of judgment dated 25/09/2013 passed in RCS No.464/2012. The objector appeared by filing his claim at **Exh.22** and after obtaining the say of DH, issues came to be framed at **Exh.40** on 29/12/2015.

2. In order to prove his claim the objector examined himself by filing his affidavit of chief examination at **Exh.43**. However, as he failed to offer himself for recording his cross examination at **Exh.43**, his evidence came to be discarded by order dated 15/04/2023. This application is filed by objector on 01/10/2024. There is delay of approximately 6 months in moving this application. This delay can be condoned by imposing cost upon objector. However, as issues are framed and objector has adduced his evidence, I am of the view to permit him to proceed with the matter for deciding the same on merits. Hence, I pass following order:-

ORDER

1. The order dated 15/04/2023 by which the evidence of objector at **Exh.43** came to be discarded is set aside subject to cost of Rs.600/- to be payable by him to DH on next date or any other date as extended by the Court.
2. After acknowledgment of cost amount, necessary order will be passed on the affidavit of chief examination of objector at **Exh.43**.

Date : 17/04/2025

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