

Order below exh No. 102

The present application has been filed by the defendant No. 2 to 5 to set aside 'Evidence Close' order passed on 16.07.2025.

2. The plaintiff has filed her say on backleaf of the application stating therein that the suit is filed in the year 2013. The case has been pending for the evidence of present defendants since long time. They are prolonging the case intentionally. Hence, prayed to reject the application with heavy cost.

3. Perused the application and the reply filed thereto. Heard the Advocate representing the parties.

4. On the perusal of record it transpires that the plaintiff has filed the suit for permanent injunction in the year 2013. The evidence of plaintiff is closed on 07.02.2019 whereas the evidence of the defendant No. 1 is closed on 06.08.2019 and since then the case was pending to adduce the evidence on behalf of defendant No. 2 to 5. Admittedly, the case is old one. The reason provided for setting aside the order is not proper. However, in order to decide the present case on merit evidence of the defendant Nos. 2 to 5 should be on record. Therefore, in the interest of justice it would be necessary to set aside such an

order. However, the casual conduct of the defendant Nos. 2 to 5 can be saddled with cost. Hence, the order:

ORDER

1. The application at Exh. 102 is allowed subject to a cost of **Rs.1000/- each** to be paid to the plaintiff on or before the next date.
2. On due compliance, the order of evidence close shall stand set aside.
3. On non-compliance of the said order, the evidence close order passed below Exh.01 shall remain in force.
4. It is directed to defendant No. 2 to 5 to expediate the case.

Date: 25.08.2025

Ausa

(Smt. S. H. Nalawade)

3rd Jt.C.J.J.D, Ausa.