

MHLA140011112017



Order below exh No. 74

The present application has been filed by the defendant no.2 (Counter claim) to set aside 'Evidence Close' order. Perused the application, say and record. Heard learned advocate for both the parties.

2. On the perusal of record it transpires that suit is filed for declaration and permanent injunction in the year 2017. The evidence of plaintiff (Counter claim) closed on 20.04.2026. On the perusal of present application it can be seen that the defendant no. 2 defendant no.2 (Counter claim) has not given any proper or satisfactory reason for setting aside evidence close order. As earlier stated suit is filed for declaration and permanent injunction. Thus, in order to decide the present case on merit the evidence of defendant no.2 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 defendant no.2 can be saddled with cost. Hence, the order -

ORDER

1. The application at Exh. 74 is allowed subject to a cost of Rs. 500/to be paid to the plaintiff (Counter claim) 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 order passed below Exh.1 shall remain in force.

Date: 12.08.2026

Ausa

(Smt. S. H. Nalawade)

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