

Order below Exh. No. 100

1. The present application is filed on behalf of defendant No. 3 for setting-aside evidence closed order passed against him.
2. Ld. Advocate for the defendant No. 3 has contended that, the defendant No. 3 has out of station as a result evidence closed order passed against defendant No. 3. Therefore defendant No. 3 has prayed that, the evidence closed order passed against him be set-aside and it be permitted to lead evidence.
3. The plaintiff has submitted say and resisted the application and contended that the application is not tenable and prayed for rejection of the application.
4. Heard both the sides. Perused the record, read the application and say.
5. It is to be noted that the suit is for perpetual injunction. It is the contention of the defendant No. 3 that he is out of station, in result evidence closed order passed against him. The application is supported by affidavit. Further the reason for delay as mentioned by the defendant is appears to be probable. Hence for just and proper adjudication of the matter on merit and to avoid multiplicity of proceedings an opportunity to lead evidence to the defendant. Nevertheless the inconvenience caused to the plaintiff can be compensated by saddling costs on the defendant. Therefore I proceed to pass following order.

ORDER

1. The application is allowed.
2. The evidence closed order passed against defendant No. 3 is set-aside and the defendant No. 3 is permitted to lead evidence subject to costs of Rs. 300/- paid to the plaintiff.

Place: Ausa

(Smt. P.R. Kulkarni)

Date: 10/03/2022

Jt. Civil Judge, JD, Ausa