

CNRNO.MHLA150000802009



**ORDER BELOW EXH. 231.**

1. This application is filed by plaintiff for setting aside evidence closed order dated 26.04.2023. The defendants have opposed said application by filing reply on it.

2. It is submitted by plaintiff that, evidence closed order has been passed on 26.04.2023 and matter is proceeded for evidence of defendants. The matter is relating to partition and huge landed property is involved. Hence, she prayed for allow the application and set aside evidence closed order and permission be given to lead her evidence.

3. Per contra it is submitted by defendant that, matter is 14 years old and pending since long back for cross examination. It is means cause delay tactics only to prolong the matter and harassment of defendant. Application is filed without proper reason and without supported affidavit, so application be rejected with heavy costs.

4. Perused record of case. It appears from record that subject matter is in respect of partition and khas possession. It is immovable property. Valuable rights of parties are involved in subject matter. On 26.04.2023 plaintiff remained absent before

court and due to said reason defendant no.8 could not conduct the cross examination of plaintiff. So, court passed order below exh.1 and closed evidence of plaintiff. If permission is granted to plaintiff for adduce evidence then it will not cause any harm to defendant. For the purpose of natural justice and to decide mater on merit, it is necessary to give permission to plaintiff to adduce evidence by imposing some condition. Hence, I pass following order.

**ORDER**

1. Application (Exh.231) is allowed on costs of Rs.500/- ( five hundred only Rs. ) to defendant no.8 on condition that both parties shall not adjourn the matter and proceed further without seeking any adjournment.
2. Plaintiff shall remain present before court on next date for the purpose of cross examination.

Date : 04.08.2023.

( Prashant P. Kale)  
Civil Judge Junior Division,  
Chakur.