

Order below Exh.121 in RCS No.54/2010
(Mashna & another vs. Shakuntala & others)
CNR No.MHLA15-000214-2010

Present application is filed by defendant no.1 for setting aside no evidence order passed against her on dated 16/11/2018. According to them, defendant no.1 is present and ready to lead evidence. Hence, no evidence order dated 16/11/2018 be set aside in the interest of justice. On the other hand, learned advocate for plaintiff submitted that, matter is very old and defendant no.1 unnecessary prolonging the matter. The evidence of plaintiffs are already over since last so many dates. Hence, they prayed for rejection of this application with cost.

2. Heard both the parties. Perused record. It appears that the matter is very old, too many chances were given to defendant no.1 to lead evidence due to absentee and change of advocate the matter is pending for long time. Perusal of record also shows that, defendant no.1 changes advocate frequently due to which the matter became old and ineffective. Considering the demeanor of defendant no.1 the application is liable to be rejected. But only in the interest of justice one last chance should be given to defendant no.1 to have fair trial and opportunity. Hence, following order.

Order

1. The application is allowed subject to cost of Rs.500 (Rs. Five hundred only) to be paid to plaintiffs.
2. No cross order dated 16.11.2018 is hereby set aside accordingly.
3. Defendant no.1 is directed to lead evidence without seeking any further adjournments without fail.

Date : 14/12/2018

(Y.D. Koinkar)
Civil Judge J. D. Chakur.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file judgment/order are same, word to word, as per original judgment/order.

Name of the Stenographer	:-	L.S. Panhale
Name of the Court	:-	C.J. J.D. & J.M.F.C., Chakur.
Date of Judgment/order	:-	14.12.2018
Judgment /order signed by Presiding Officer on	:-	14.12.2018
Judgment/order uploaded on	:-	14.12.2018