

ORDER BELOW EXH.85

1. This application is filed by plaintiff for setting aside 'No Cross ' order and evidence close order dated 09.09.2021. Defendants have filed reply on said application and prayed for rejection of application.

2. It is submitted by the plaintiff that plaintiff is teacher & due to said reason he could not produce witness before the Court. Witness of plaintiff was ill. Lastly, he prayed for setting aside evidence close order & no cross order. Per contra, it is submitted by the defendant that sufficient opportunities were given to plaintiff for producing evidence. Several adjournment applications of plaintiff were granted on costs. Matter is old one. There is no sufficient reason to set aside order dated 09.09.2021. So, application be rejected.

3. Perused record of case. It appears from record that sufficient opportunities were given to plaintiff for adducing evidence. Several adjournment applications of plaintiff have been granted on costs. Last adjournment application of plaintiff was rejected as per order below Exh.83 dated 09.09.2021 & closed evidence of plaintiff. Record shows that witness of plaintiff filed affidavit as per Exh.76 & he remained absent for cross examination. Court passed order below Exh.1 dated 09.09.2021 & closed evidence of plaintiff. It is not disputed fact that situation of Covid -19 were in existence in the year 2020 & 2021. Due to Covid-19 Court was functioning as per S.O.P. of the Hon'ble High Court and Court is functioning regularly from 02.08.2021. To decide matter on merit and for the purpose of natural justice, it is necessary to give permission and to allow application. So, I pass following order.

ORDER

Application is allowed and evidence close order dated 09.09.2021 is set aside on payment of costs of Rs. 1500/- to defendants on a condition that plaintiff shall not seek any adjournment for adducing further evidence.

Date : 18.02.2022.

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