



Order Below Exh.47 in Regular Civil Suit No.31/2018

[Umakant ..Vs.. Appasaheb]

(Passed on 13/03/2024)

Perused application and say. Heard Ld. Advocates for both sides.

2. Application is filed by plaintiff for setting aside the order dated 30/10/2023 discarding evidence of witness of the plaintiff at Exh.44 on the ground that, due to illness witness was absent and consequently order discarding the evidence of the plaintiff's witness was passed. The same needs to be set-aside in the interest of the justice and prayed accordingly to allow the application.

3. Defendant has objected the application and submitted that, plaintiff has filed his affidavit on 11/12/2022 thereafter he was absent. Therefore, no-cross order has been passed by this Court on 30/10/2023. Thereafter, after three dates plaintiff has preferred present application. Hence, prayed to reject the application with Rs.10,000/- costs.

4. Perused the application and say filed. Perused the record of the case. Considering nature of suit, to decide the suit on merit, it is necessary to set aside the evidence discard order passed against plaintiff dated 30/10/2023 below Exh.44. Opposite party can be compensated by awarding reasonable costs. Hence, I proceed to pass following order:-

ORDER

1. Application at Exh. 47 is allowed.
2. Order dated 30/10/2023 passed against plaintiff at Exh.44 is hereby set aside subject to costs of Rs.1,000/- to be paid to the defendant.
(Dictated and pronounced in the open court.)

Sd/-

(Atish Pralhad Kholam)
Civil Judge, Jr. Division, Deoni,
Dist. Latur.

Place: Deoni
Date : 13/03/2024.

CERTIFICATE

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

Name of Stenographer	:	R.V.Surwase
Name of the Court	:	Shri. A.P. Kholam, C.J.J.D., Deoni, Dist. Latur.
Date of Order / judgment	:	13/03/2024.
Order signed by		
Presiding officer on	:	13/03/2024.
Order / judgment uploaded on	:	13/03/2024.