

|                                                                                                       |                                                                                     |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| MHLA160000292010<br> | <u><b>R.C.S.No.17/2012</b></u><br><u><b>Dattatrya Vs. Premalabai &amp; Ors.</b></u> |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|

**ORDER BELOW EXH.168**

This is application to set aside evidence close order and permission to adduce evidence.

2. Heard learned Advocate Shri. Chidrewar for plaintiff and learned Advocate Shri. Patil for defendants at length. I have carefully gone through the record. This is suit for partition and separate possession. The house property is part of suit. Its nature is subject of issue. Therefore, its source is material. The plaintiff relied upon the sale-deed, scribed in Urdu language and its translated copy which done by Advocate M.A. Rauf. That sale-deed and its translated copy are available on record.

3. However, the plaintiff have prolonged the matter without reasonable cause. I have set aside no evidence order dated 12/02/2026 firstly on 16/02/2026 by order below application Exh.156 and lastly on 24/03/2026 by order below application Exh.159. But that time the plaintiffs were slept on their part and failed to adduce evidence of translator or failed to show reasonable cause. Hence, this is fit case to impose costs for delay trial.

4. Considering nature of suit, its subject i.e. landed property and to decide the right and liabilities, the plaintiffs have to grant an opportunity to adduce evidence. This is fact finding Court and bound to find the truth. For that purpose, let's to go through the settled principle of law. An opportunity is the back bone of justice and if it is refused, there is every possibility of miscarriage of justice. It is an

important to mention here that, the law and rules of procedure are always handmaid of justice and not suppose to defeat ends of justice. So, imposing costs will meet the ends of justice. Therefore, I reached to the conclusion that, the plaintiff has to grant an opportunity for adducing evidence, subject to costs. This application is deserved to be allowed. Hence, I pass the following order.

**-:: ORDER ::-**

1. The application is allowed and plaintiffs are permitted to adduce evidence of translator subject to costs Rs.1000/- and following conditions.
2. The plaintiffs shall deposit costs in the Court till next date and adduce evidence of all witnesses on next date, failing which, order will be automatically cancelled.
3. Both parties shall expedite the suit and should not claim undue adjournment.
4. Order dictated on computer and pronounced in open court.

Date- 22/06/2026  
Deoni.

(S.A. Surjuse)  
Civil Judge Junior Division,  
Deoni.