


MHLA160000962013 	<u>Reg. Civil Suit No.52/2013</u> <u>Ranjit Vs. Rajendra & Ors.</u>
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ORDER BELOW EXH.68

This is application to set aside No evidence order and permission to adduce evidence.

2. Heard learned Advocate Shri. B.C. Apsingekar for defendant No.7 and 8 and learned Advocate Shri. D.N. Kamble for plaintiff at length. I have carefully gone through the record. This is 12 years old suit for partition, separate possession and cancellation of sale-deeds. The defendant No.7 and 8 failed to adduce evidence. Therefore, the suit proceeded further without evidence on 22/09/2025.

3. The defendants had not filed application for adjournment on that day. This application filed at the stage of argument. The reasons of engaged Advocate in other Court is not a good ground. It is established that they tried to prolonged the matter.

4. Considering nature of suit, its subject i.e. landed property and to decide the right and liabilities, the defendant No.7 and 8 have to grant an opportunity to cross examine witnesses in support of his defence. 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 hand-maid of justice and not suppose to defeat ends of justice. So, imposing heavy cost will meet the ends of justice. Therefore, I

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reached to the conclusion that, defendant No.7 and 8 have 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 set aside No evidence order dated 22/09/2025 and defendant No.7 and 8 are permitted to adduce evidence of witnesses subject to costs Rs.1000/-.
2. The defendant No.7 and 8 shall pay costs to the plaintiff or deposit in the Court and adduce evidence of all witnesses till 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- 26/02/2026
Deoni.

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