


MHLA160001162015 	<u>Reg. Civil Suit No.31/2015</u> <u>Anant Vs. Bhimrao</u>
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ORDER BELOW EXH.111

This is application for permission to adduce evidence.

2. Heard learned Advocate Shri. G.S. Biradar for defendant and learned Advocate Shri. D.D. Somwad for plaintiff at length. I have carefully gone through the record. The plaintiff filed suit for perpetual injunction. The plaintiff closed his evidence. The defendant sought adjournment for adducing evidence on 18/10/2025. But they failed to adduce evidence on 06/11/2025. Therefore, I have closed their evidence by speaking order. Thereafter, the suit was fixed for argument on 05/12/2025, 16/12/2025 and 07/01/2026.

3. After gone through the application, it does not disclose reasons of delay and omission or default of defendants. Now they want to examine witness Bhimrao Dattu Jalkote and filed affidavit of examination in chief. This is fit case to impose costs for belated claim of permission, without relief of setting aside of order.

4. In view of defence, the evidence is necessary to decide the right and obligations of party and adjudicate the suit of merit. The defendants evidence is required to just decision of the case. Accordingly, the stage of suit is immaterial for granting alleged permission. They have required an opportunity to prove her case.

5. 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 cost will meet the ends of justice. Considering the nature of suit and need of opportunity to prove the case, this application is deserved to be allowed. Therefore, I reached to the conclusion that, the defendants have to grant opportunity for adducing evidence in respect of alleged amendment, subject to costs. Hence, I pass the following order.

-:: ORDER ::-

1. The application is allowed, set aside no evidence order dated 06/11/2025 and the defendants permitted to adduce evidence of Bhimrao Dattu Jalkote as prayed, subject to cost Rs.1500/-, payable to the plaintiff.
2. The defendants shall comply the order and adduce evidence on next date, failing which order will be automatically cancelled.
3. Both parties should not claim undue adjournment.
4. Order dictated on computer and pronounced in open court.

Date- 23/04/2026
Deoni.

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