

MHLA160001222015



Regular Civil Suit No.36/2015

**Order below Exh.94**

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

2. Application is filed by plaintiff for setting aside the order dated 29-01-2025 discarding evidence of plaintiff's witness at Exh.34 on the ground that, plaintiff was not feeling well therefore she could not attend the Court. Consequently, order discarding the evidence of the plaintiff was passed against defendant No.6. The same needs to be set aside as she is ready to give evidence.

3. Defendant has objected the application and submitted that, no proper reason is assigned. No affidavit to that effect is filed. Hence, application be rejected.

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 29/01/2025 below Exh.34. Opposite party can be compensated by awarding reasonable costs. Hence, I proceed to pass following order:-

**ORDER**

1. Application at Exh. 94 is allowed.
2. Order dated 29/01/2025 passed against plaintiff at Exh.34 is hereby set aside subject to costs of Rs.300/- to be paid to the defendant No.6.

(Dictated and pronounced in the open court.)

Place: Deoni  
Date : 04/03/2025.

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