

MHLA160001462018 	<u>RCS No.31/2018</u> <u>Umakant Vs. Appasaheb</u>
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ORDER BELOW EXH.50

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

2. Heard learned Advocate Shri. S.P. Kamble for the plaintiff and Advocate Shri. M.B. Patil for defendant at length. This is suit for cancellations of sale deeds. The plaintiff filed affidavit in lieu of examination-in-chief Exh.44. But it was discarded vide order dated 30/10/2023. Thereafter, the plaintiff sought permission and set aside that order vide order dated 13/03/2024 below application Exh.47. But the plaintiff again absent. Thereafter, I have discarded his evidence and posted suit for dismissal. This application does not discloses specific reason. There is delay due to default of the plaintiff.

3. 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 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 plaintiff has to grant opportunity for adducing evidence, subject to costs. Hence, I pass the following order.

-:: O R D E R ::-

1. The application is allowed and the order dated

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16/07/2025 is set aside and the plaintiff is permitted to adduce evidence subject to cost Rs.500/-, payable to other side.

2. The plaintiff shall comply the order and adduce evidence of all witnesses till 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- 26/08/2025
Deoni.

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