

MHLA160002962023 	<u>Reg. Civil Suit No.127/2023</u> <u>Vivekanant & Ors. Vs. Anandrao & Ors.</u>
---	--

ORDER BELOW EXH.12

This is an application for permission to adduce evidence.

2. Both parties and their Advocate are absent. The defendants failed to file say. This application proceeded further without their say. I have carefully gone through the record. The plaintiff filed suit for specific performance of contract. The suit was fixed for evidence but the plaintiff failed to adduce evidence. Therefore, the suit posted for dismissal order. This application disclosed general reason and not disclosed particular and satisfactory reason. Now he prayed permission to complete evidence.

3. However, it is necessary to grant an opportunity to adduce evidence of all witnesses at a time. It will helpful to decide the suit on merit and just decision of the case. Alleged delay is ground for costs. 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. This application is deserved to be allowed. Hence, I pass the following order.

.. 2 ..

-:: ORDER ::-

1. The application is allowed and the plaintiff is permitted to adduce evidence all witnesses on next date, subject to cost Rs.500/-.
2. The plaintiff shall comply the order and produce and examine all witnesses 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- 17/07/2026
Deoni.

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