

MHLA160011422015



Reg. Civil Suit No.97/2016
Bhagwan Vs. Nagesh & Ors.

ORDER BELOW EXH.54

This is an application to set aside no evidence order dated 12/12/2025 and permission to adduce evidence.

2. Heard learned Advocate Shri. S.S. Deshmukh for plaintiff and learned Advocate Shri. S.B. Patil for defendants at length. I have carefully gone through the record. The plaintiff filed suit for reconveyance deed. The plaintiff has closed his evidence on 07/08/2025. But thereafter, the plaintiff failed to produce and examine witnesses. Therefore, an evidence of PW-2 Ravikant was discarded on 12/12/2025. The plaintiff made a default to examine witnesses. The law do not permit to record evidence of witnesses in piecemeal. Therefore, the plaintiff has not a right to examine one by one witness. Therefore, I have closed the plaintiff's evidence on 12/12/2025.

3. The documents in respect of heart patient i.e. witness are not filed on record. Similarly, the plaintiff has not disclosed name of witness. Hence this application is based upon general reason. The plaintiff caused delay without reasonable cause. This is fit case to impose heavy cost for alleged delay.

4. In view of claim of both parties, 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. The alleged delay is ground for cost and not a good ground to reject the

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application. 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 further evidence, this application is deserved to be allowed. Therefore, I reached to the conclusion that, the plaintiff has to grant an opportunity, subject to costs. Hence, I pass the following order.

-:: ORDER ::-

1. The application is allowed, set aside no evidence order dated 12/12/2025 and the plaintiff is permitted to examine witnesses, subject to cost Rs.1000/-, payable to the defendants.
2. The plaintiff shall comply the order and produce and examine all witnesses at a time 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- 21/01/2026
Deoni.

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