

MHND060006182015

R.C.S. No. 38/2015

Anand Vs. Bhaskarrao &ors



ORDER BELOW EXH-111

(Date 28.01.2025)

The plaintiff has filed this application for setting-aside the 'Evidence closing' order passed against him. It is submitted that the plaintiff has been shifted to Pune quite a long time prior to filing of the present suit by reason of family and serious ailments to the father of the plaintiff and after huge medical battle his father died on 03.11.2024. So evidence is not led by him and hence, Court was pleased to close their evidence. It was unintentional and so order be set-aside.

02. The defendants have strongly objected the present application by filing his say below the same.

03. Heard learned Advocates for both the sides.

04. Perused the application, the say filed and the record of the suit.

05. The perusal of the application goes to show that due to ill health of the plaintiff's father and after huge medical battle his father died on 03.11.2024. The reasons are justified and further considering the rules of natural justice i.e. principle of audi alteram partem no party shall be condemned unheard. In result, by following the principle of natural justice, the application deserves to be allowed. Hence, the order :

ORDER

The 'Evidence Close' order passed against the plaintiff stands set-aside.

Date : 28. 01. 2025.

(A.A.K. Shaikh)
Civil Judge Sr. Division,
Biloli.