

ORDER BELOW EXH. - 47

(Passed on this 12th day of February, 2026)

This is an application filed by plaintiffs for setting aside evidence closed order dated 30/04/2025.

2. Perused the application and say below it.

3. The contention of the plaintiffs is that, the plaintiff is old age person and he could not attend last date of the court owing to his illness. If permission to lead evidence of the plaintiff is not allowed, injustice will cause to the plaintiff. On the other hand if opportunity given, no prejudice will be caused to other side. So, this application may kindly be allowed.

4. On the other hand, the defendant has opposed the application on the ground that the matter fixed for final argument. So, this application is liable to be rejected. If the court is pleased to allow the application, cost of Rs.5,000/- may kindly be imposed.

5. It appears that, evidence closed order was passed against the plaintiff on 30/04/2025 and this application is filed after three months. Considering, principle of natural justice and submission of the plaintiff. I am of the view that, opportunity is necessary to be given to the plaintiff by imposing costs. Hence I pass the following order:-

ORDER

The evidence closed order dated 30/04/2025 passed against the defendant is hereby set aside subject to cost of Rs.300/-.

(Rs.Three Hundred Only)

(K.S. Khandare)

Jt. Civil Judge Junior Division,
Kandhar.

Date :- 12-02-2026