

**ORDER BELOW EXH. - 95**

(Passed on this 24<sup>th</sup> day of July, 2025)

This is an application filed by defendant for setting aside evidence closed order dated 18.06.2025.

2. Perused the application and say below it.

3. The contention of the defendant is that, witness of the defendant was present but his evidence could not be recorded as he was not accompanied with required document. On next date, the defendant was absent and evidence close order was passed. If permission to lead evidence of the defendant is not allowed, injustice will cause to the defendant. 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 plaintiff 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.3,000/- may kindly be imposed.

5. It appears that, evidence closed order was passed against the defendant on 18.06.2025 and this application is filed on next immediate date. Considering, principle of natural justice and submission of the defendant. I am of the view that, opportunity is necessary to be given to the defendant. Hence I pass the following order:-

**ORDER**

The evidence closed order dated 18.06.2025 passed against the defendant is hereby set aside

Date :- 24.07.2025

(K.S. Khandare)  
Jt. Civil Judge Junior Devison,  
Kandhar.