


MHND270004542019	RCS No. 60/2019
	Bahadur and Others & V/s Sudam

**ORDER BELOW EXH.40**

- 1) This is an application for setting-aside evidence close order passed on dated 20.03.2024.
- 2) Perused application and say of defendant. Heard both parties.
- 3) It is submitted by the plaintiff that on 20.03.2024 the plaintiff was out of station and his advocate also gone for his personal work. Therefore, they could not attend the court. Meanwhile this court passed order closing their evidence. They want to examine T.I.L.R as a witness. Hence, they be permitted to adduced evidence of T.I.L.R. Ld. Advocate for defendant submitted that, application is not tenable. Reason is not substantial. Hence, it be rejected.
- 4) This is a suit for perpetual injunction. It appears from record that this court on 20.03.2024 due to absence of plaintiff and their advocate passed necessary order below Exh.1 by closing their evidence. It also appears that, on the said date witness Shri. Shrirame (surveyor) was present. The plaintiff wants to prove the measurement map. The absence of plaintiff and his advocate on the posted date was appears not intentional. In order to prove the map, the examination of T.I.L.R. is necessary. Therefore, considering the facts of the case and in order to decide the matter on merit an opportunity needs to be given to the

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plaintiff. However the delay caused by plaintiff cannot be ignored. Hence, I passed following order.

**ORDER**

<b>i)</b>	The application is allowed.
<b>ii)</b>	No evidence order dated 20.03.2024 is hereby set-aside subject to cost of Rs.500/- payable to defendant.
<b>iii)</b>	Issue summons to T.I.L.R. at the cost of plaintiff.

Date. 19.07.2024

**(S. B. Dhembare)**  
Civil Judge Junior Division,  
Mudkhed, Dist. Nanded

**CERTIFICATE**

I affirm that the contents of this PD.F File judgment are same word to word, as per the original judgment.

Name of the stenographer	:	Ashok A. Totre.
Court Name	:	J.M.F.C. Mudkhed
Date	:	19/07/2024
Judgment signed by the Presiding Officer on	:	19/07/2024
Judgment Uploaded on	:	19/07/2024