

ORDER BELOW EXH.29
(Passed on 21/11/2025)

This application is filed by the plaintiff for setting aside no cross order passed below Exh.18 on 25.09.2025. Defendant filed say below Exh.30 and resisted the application. None appeared on behalf of plaintiff when called out repeatedly.

2. Heard Adv. Shri. Kushwah for the defendant.

3. As per the order dated 25.09.2025, it is appreciated that the plaintiff is absent since 11.08.2023 along with his advocate. On that day also, both were absent. Therefore, the evidence of the plaintiff was discarded. This application is filed on the same day after passing of the order. Hence, considering the application filed on the same day, plaintiff is required to be given an opportunity to lead his evidence subject to cost as he has kept the matter pending from 11.08.2023 till today.

4. Present matter is for ejectment and possession and it is filed in 2019. Plaintiff filed evidence on record on 04.07.2023. but did not dare to continue with the matter since 2023 till today. Therefore, the application is required to be allowed by awarding cost of Rs.2,000/-. Hence, I pass following order.

- ORDER -

- 1] The application is allowed.
- 2] Order passed below Exh.18 on 25.09.2025 about discarding of evidence of plaintiff is hereby set aside

subject to payment of cost of Rs.2,000/- on or before next date.

- 3] Plaintiff is directed to remain present on next date for further examination with his advocate. Otherwise, this application will be treated as rejected.

Kamptee

Date : 21/11/2025.

(Mohan R. Kamat)
Civil Judge, Junior Division,
Kamptee.