



ORDER BELOW EXH.72

(Passed on 13th day of August, 2024)

1] This is an application filed by the plaintiff for setting aside no evidence order on behalf of the plaintiff passed on 29.06.2024. It is the contention of the plaintiff that, on that day the plaintiff was present in the Court. However, being a old aged person and he was not keeping well therefore, he returned to home for taking some rest. Whereas, due to the heavy rain fall the counsel for the plaintiff could not attend the court. Hence, this Court has ordered to close the evidence. The plaintiff had issued a witness summons but due to lack of proper address, the witness summons could not served. On that day, it was expected to file the detail address of the witness, but the plaintiff failed to do so. The plaintiff has good case on merit and if he is not allowed to adduce evidence, then he will suffer irreparable loss. Hence, plaintiff may be permitted to lead further evidence.

2] The application is strongly opposed by the defendant by filing his say at Exh.73. It is his contention that, the reason given by the plaintiff is after thought. The advocate and plaintiff had not attend the Court till 3.00 pm, there is no single line given by the plaintiff as to why they were absent at the call at 3.00 pm. Hence, he prayed to reject the application.

3] Heard the Adv. Shukla for plaintiff and Adv. Mule appearing for defendants at length.

4] As on 29.06.2024, the plaintiff was absent and he has not taken any proper steps to secure the presence of witness by giving the proper address, therefore, this Court closed the evidence of plaintiff. Through the reason mentioned in the application, the plaintiff has satisfied to me on the count of non appearance on the fixed date. Therefore, there is no any reason to restrain the plaintiff from adducing the further evidence, but at the same timme it need to be considered that due to the act of the plaintiff, defendant has suffered economical, physical and mental loss. In the light of above discussion, I proceed to the following order :

ORDER

1. Application (Exh.72) is allowed subject to cost of Rs. 300/-, the cost be paid to the defendant.
2. The plaintiff is further directed to take necessary steps to adduce the further evidence in future.

Saoner
Date : 13.08.2024

sd/-
(S. A. Sardar)
Civil Judge Senior Division
Saoner

CERTIFICATE

I affirm that the contents of this PDF file are word to word as per original file.

Tushar P. Khanzode
Stenographer(Grade-II)