

ORDER BELOW EXH. 65

(Passed on 01/11/2022)

By way of present application the defendants sought for setting aside the order below Exh.1 dated 02.08.2022. Thereby evidence of defendants came to be closed. It is submitted that, due to the death of the mother of defendants on 02.08.2022, the defendants could not remain present and lead their evidence. Due to that only and impugned order came to be passed. On that basis, it is prayed to allow the application.

2. The application is strongly objected by the plaintiff, it is submitted that, the application is not signed by the defendant No.2 nor even verified by any defendants. Hence, application is not tenable and it is prayed to reject the same.

3. Heard both side. Perused the record. It is clear that, since 20.08.2019 the matter is for further evidence of defendants. Time to time matter got adjourned still defendants failed to lead their evidence. Record also shows that, my Ld. Predecessor by order dated 10.02.2019 below

Exh.57 pleased to adjourned the matter on cost of ₹ 1,000/- still defendant failed to take proper steps to proceed with the matter.

4. It also remains that, by order below Exh.61 the matter was adjourned on costs, that order yet not complied. In view of the available record, it is clear that, the defendants are not serious to lead the evidence. Therefore the application deserves to be rejected.

5. However, at the same time the reasons given in an application is not disputed by the other side. Considering the reason, it seems proper to grant one more opportunity with heavy costs. Accordingly, I pass following order.

ORDER

1. The application is allowed subject to costs of Rs. 3,000/-.
2. Applicant shall also comply the order below Exh. 61.
3. The cost amount below Exh.61 and in present application be deposited on or before next date of hearing. On failure of applicant present application be treated as denied for want of prosecution.

Saoner
Date:- 01/11/2022

(S. R. Bharad)
Jt. Civil Judge (Jr.Dn.),
Saoner

CERTIFICATE

"I affirm that the contents of this P. D. F. File of order are word to word as per original order."

Name of Stenographer: N. B. Payade

ENDORSEMENT

Case argued on	:	01.11.2022
Order dictated on	:	01.11.2022
Transcription ready on	:	01.11.2022
Order Checked and signed on	:	01.11.2022