

**Spl. Civil Suit No. 15/2019**  
**Shrikshetra Ambhora Vs. Prahar**

**ORDER BELOW EXH.31**  
*( Passed on 11<sup>th</sup> of February 2025)*

Plaintiff through Secretary is present. Ld. Advocate for plaintiff is absent. Adjournment application Exh. 31 is filed on behalf of plaintiff submitting that Ld. Advocate for plaintiff is not feeling well and as such is unable to attend the court, therefore matter be adjourned. Defendant No. 3 and Ld. Advocate for defendant No. 3 are present. They have filed say on this application submitting that plaintiff is prolonging the matter by giving adjournment applications, without any supporting document and as per the provisions of Code of Civil Procedure, only three adjournments can be granted and thereafter adjournment can be granted only in exceptional circumstances. Therefore, application shall be rejected with heavy deterrent costs.

2. Record shows that issues were framed on 07-07-2020 vide Exh. 10. Evidence affidavit of P.W. No. 1 vide Exh. 18 has been filed on 13-02-2023. Further examination-in-chief of P.W. No. 1 was recorded on 16-01-2024. On that date, defendant Nos. 1 to 3 were present, but their Ld. Advocate was absent. Therefore, cross-examination was deferred. On 05-03-2024 defendants and their Ld. Advocate were absent till 5.30 pm. Therefore, no cross order was passed. Defendant No. 3 moved application Exh. 30 to set aside that order. It was allowed on last date 17-12-2024. Thus, after that this is the first date. Thus, today plaintiff has to enter the witness box to face cross-examination. However, adjournment application is moved on the ground of illness of Ld. Advocate for the plaintiff. It is true that copy of medical certificate is not filed. However, on the personal ground of the advocate, adjournment is applied for. Party may not feel it comfortable to face cross-examination in the absence of his advocate. In the above background, I do not think it proper to impose costs on the party since it is on the personal ground of the advocate, adjournment is applied. Therefore, for the above reasons, I proceed to pass following order.

**ORDER**

Suit is adjourned by making it clear that on next date, P.W. No. 1 shall enter into the witness box without fail. Failing which, suit shall proceed further by excluding his evidence.

Umred.  
Dated: 11/02/2025.

[ S. G. Landge ]  
Civil Judge Sr. Dn., Umred,  
Dist. Nagpur.

Certificate

I affirm that the contents of this P.D.F. file are word to word same as per original.

Name of Stenographer : Mrs. D.T. Vighne,  
Stenographer (Grade II)