

**Reg. Civil Suit No. 25/2003  
Nilkanth -vs- Kacharu**

**ORDER BELOW EXH.115.**  
( 20.12.2016 )

Heard Shri Gaikwad Advocate for applicant and Shri Prasad Advocate for non-applicant. Perused the application say filed on it. The present applicant defendant No.1 filed this application to set aside order of this court dated 25.10.2016 by which his evidence is closed. It is contented that, he is contested defendant in the suit. It is contented that, he was present but the witnesses to whom he was going to examine were unable to attend the Court due to unavoidable circumstances. The stage in the suit was for his evidence but he was unable to attend the court. The defendant No.1 submits that, now he is in position to lead the evidence, if opportunity is not given to him he will suffer a hardship. He prayed to allow leading evidence.

2 To counter the application, the plaintiffs opposed the application to prayed to reject the application as reasons are not justifiable.

3 Upon hearing both counsels and going through record, it reveals that suit is pending for many years and this court has passed order. Considering the application, the defendant prayed to allow him to lead the evidence and put forth his inability that he was absent due to unavoidable circumstances. Considering the suit an opportunity must be given. However, it is directed that to start with the evidence immediately and on next date without fail. Hence, I pass the

following order.

**ORDER**

- 1 Application is allowed.
- 2 The order dated 25.10.2016 is hereby set-aside subject to cost of Rs.300/- paid to the Legal-Aid.

Dt.20.12.2016

(Prashant P. Kulkarni)  
Civil Judge (Jr.Dn.),  
Kuhi.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of Judgment / Order are word to word, as per original judgment.

Name of Stenographer : Pravin T. Mandale