

MHNS140000632012



Order Below Exh. 63

01. This is an application by the plaintiff for setting aside no evidence order passed against him on 25/06/2019. It is submitted by the plaintiff that the suit is pending for partition of the suit property. The plaintiff was not able to file evidence due to his illness between the period. However, it is necessary to decide the matter on merit to here and perused the evidence of the plaintiff. Therefore, it is necessary to set aside the order passed on 25/06/2019 by the court. The delay is not deliberate. Hence, prayed for allowed the application.

02. The defendant has filed say overleaf and opposed the application. It is submitted by the defendant that the plaintiff no. 1 has filed his evidence at Exh. 50. After the sufficient opportunity given to the plaintiff to lead evidence. However, he failed to give any evidence since from 04/10/2018. If the court thinks to allow the application heavy cost must be imposed upon the plaintiff with certain condition to lead evidence on next date.

03. Heard Ld. Advocate for both the sides. Perused material on record. The no evidence order passed by the court on 25/06/2019. The cross examination of plaintiff witness no. 1 was finished on 04/10/2018. After that the plaintiff has failed to lead evidence. However, to decide the matter on merit. It is necessary to give opportunity to both the side. Considering the say of the defendant certain condition may be impose upon the plaintiff to lead evidence. The matter is also old. Hence , in the interest of the justice. I pass the following order.

R.C.S. No. 05/2012
Janabai Nirgude Vs. Vishwnath Nirgude & others

ORDER

01. Application below **Exh. 63** is allowed. The order dated 25/06/2019 of no evidence is hereby set aside, subject to costs of Rs. 1000/- to be paid to DLSA.

02. The plaintiff is here by directed to lead evidence and pay the cost of this application on next date. In default further order may be pass.

Dindori
Date – 05.08.2021.

(S.R.Bandal)
Jt. Civil Judge Junior Division,
Dindori

R.C.S. No. 05/2012
Janabai Nirgude Vs. Vishwnath Nirgude & others

CERTIFICATE

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

Name of the Court	:-	S. R. Bandal, Jt. Civil Judge Junior Division Dindori
Name of the Steno	:-	Yogesh M. Bhavsar
Date of Decision	:-	05-08-2021
Order signed by presiding officer	:-	05-08-2021
Order uploaded on	:-	06-08-2021