

Regular Civil Suit NO. 151/2023
(CNR MHNS290011692023)

Balu Sahadu Ubale,

Vs.

Sammyual Shankar Chnadekar and ors.,

ORDER BELOW APPLICATION (EXH.69)

1. The present application is filed by plaintiff praying to set aside 'Evidence closed order' passed against him on 23/02/2026.

2. It is the contention of the plaintiff that he has filed his evidence affidavit and the defendants have cross examined him and thereafter the evidence closed order passed on 23.02.2026 against him. The plaintiff submitted that he wants to lead further evidence. Hence, in the interest of justice he prayed to set aside the 'Evidence closed order' and permission be given to lead further evidence of the plaintiff.

3. The defendants have resisted this application by filing their say overleaf of the application. They states that the application is not tenable in the eyes of law and the plaintiff has not filed list of witnesses. Hence, they prayed to reject the application. Heard the learned Advocate for plaintiff and learned Advocate for the defendants.

4. I have gone through the application, affidavit in support of application and say filed by the defendants. The plaintiff has filed Pursis at Exh. 70 stating therein that he will be given evidence of Ashok Gaikwad on next date. In the interest of justice and to decide the real controversy between the parties on merit and with a view to avoid multiplicity of the proceedings it is necessary to set-aside the 'evidence closed' order subject to costs. Hence, following order -

ORDER

- (1) Application (Exh.69) is allowed subject to costs of Rs. 500/- to the defendants.
- (2) The 'Evidence closed order' is hereby set aside and the plaintiff is permitted to lead further evidence on next date.

Igatpuri.
Date : 27.03.2026

(Yashshree Marulkar)
Civil Judge Senior Division,
Igatpuri.