

Special Civil Suit No. 122/2023
(CNR No. MHNS290011212023)

Ashok Gaikawad,
V/s.
Sammuyal Chandekar and ors.,

ORDER BELOW EXH. 151

This is an application given by plaintiff for setting-aside 'evidence closed' order passed below Exh. 1 against him.

2. It is the contention of the plaintiff that, witness is not present on 23/02/2026 therefore, 'evidence closed ' order passed against him. Hence, he has prayed to set-aside 'evidence closed' order passed against him.

3. The learned Advocate of the defendants has resisted this application by filing his say overleaf of the application and submitted that appropriate order may be passed.

4. Heard the learned advocates of both parties. Perused the record. I have gone through the application, affidavit in support of application and say filed by defendants. It is pertinent to note that, the witness summons were issued to Ramrao Motiram Shinde and Sampat Savleram Gulave but they absent, therefore, 'evidence closed' order was passed against him. The reason mentioned in the application is sufficient to set-aside the 'evidence closed' order passed against him. It is significant to note that the present civil suit is filed for cancellation of gift deed and other relief and therefore, right to sue survives in his favor to defend the present suit. Hence, 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. Hence, following order -

ORDER

1. Application is allowed.
2. Plaintiffs 'evidence close order' is hereby set-aside and plaintiff is permitted to lead further evidence.
3. Costs in cause.

Igatpuri.
Date : 18.04.2026.

(Yashshree Marulkar)
Civil Judge Senior Division,
Igatpuri.