



Reg. Civil suit No. 490/2016
Vitthal V/s. Murlidhar.

Order below Exh.48.

This is an application filed by plaintiff for setting aside 'Evidence Close' order passed against him. He further submitted that, he has filed the present suit for declaration of ownership and perpetual injunction. On 04/09/2025 the matter was posted for plaintiff's evidence. But, on the same day he and his Ld. counsel were ill, therefore they could not remain present and lead his evidence. He further submitted that, if said evidence close order is not set aside, irreparable loss will be caused to him. Hence he prayed to set aside evidence close order. The application is supported with affidavit.

02) The learned advocate for the defendants have filed their say and objected the application by stating that, the application is filed only for prolong the matter. Hence, he prayed to reject the application and in case if it is allowed heavy costs be imposed.

03) Read application and say. Heard. Perused the record. On perusal it reveals that, evidence close orders was passed. The present suit is filed by plaintiff for declaration of ownership and perpetual injunction. The suit is 10 years old. It is settled principle of law that other side needs to be heard. Even the inconvenience is caused to defendant, it may be compensated by way of reasonable costs. Further,

to decide the suit on merit and avoid multiplicity of the suit an opportunity needs to be given. Therefore, to decide the matter on merits, in my opinion opportunity needs to be granted to the plaintiff to lead his evidence. Hence, evidence close orders passed against him needs to be set aside. Hence I pass following order.

ORDER

- 1) The application is hereby allowed subject to costs of Rs.500/- (Rs. Five Thousand only), it be paid to the plaintiffs.
- 2) 'Evidence close' order is hereby set aside.
- 3) The plaintiff is hereby permitted to lead further evidence on next date without fail.

Date : 09/06/2026.

(Smt. M. V. Patil-Rathode)
Civil Judge, J.D., Washi.

CERTIFICATE

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

Name of Stenographer	---	A.M. Wagh, Stenographer, (Grade-III)
Name of the Court	---	C.J.J.D. & J.M.F.C. Court,Washi,Tal.Washi, Dist.Osmanabad
Date of order	---	09/06/2026
Order signed by the presiding officer on	---	09/06/2026
Order uploaded on	---	09/06/2026