

RCS No. 19/2012
Sayyad Ahemad Husain & ors. Vs. Gangabai Kadam & ors.
Order Below Exh. 240
CNR No. MHPA140000452012

1. The plaintiff has filed present application for adjournment which is posted for evidence of the plaintiff. It is averred that the concern witness is not well today. Therefore, he could not attend the Court. The defendant have filed their say and thereby prayed to reject the present application contending that the present application is false & bogus. It is filed just to prolong the matter. The defendants are facing hardships due to absence of plaintiff. The plaintiff has not filed any document to support the present application.

2. I have heard Learned Advocate for the plaintiff and Learned Advocate for the defendant at a considerable length. The present matter is of more than 9 years old. It reveals from the record that on 03.12.2019 evidence of the plaintiff was recorded upto some extent and upon oral request of Learned Advocate for the defendant, the matter was adjourned. Then, till imposition of Lock-down from March-2020 due to Covid-19 Pandemic, the plaintiff and the defendants each have filed two applications for adjournment on the respective dates and the same were allowed. It also appears from the record that previously adjournment application of plaintiff was allowed on 28.02.2020 subject to cost of Rs. 300/-. It also appears that the said cost is not paid till today.

3. It would not be out of record to mention here that, during the first session, Learned Advocate for the plaintiff agreed to make present the witness in the afternoon session as the said witness was not present. But, surprisingly, in the afternoon session present application is filed. The present application is not supported by any other document.

The Courts have started its regular functioning from 01.02.2021. Since then, the matter was kept twice for recording of evidence of the plaintiff. On 01.02.2021 & 16.02.2021 neither of the parties filed any application with regard to present matter.

4. Considering all the above observation, in my opinion, there is no valid reason to allow the present application. Accordingly, I proceed to pass following order-

ORDER

1. Application is rejected.
2. No order as to costs.

Date : 08.03.2021

(Vishal V. Deshmukh)
Jt. Civil Judge (J.D.)
Purna.