



ORDER BELOW EXH. 157 IN R.C.S. NO. 131/2003

01. This is application filed by plaintiff seeking no evidence order against defendant No. 5 and 6. Defendant No. 5 and 6 have filed their say at Exh. 158 which runs in 18 pages.

02. Plaintiff is contending that defendant No. 5 and 6 appeared in the matter in the year 2018 since then after issues were reframed they have not laid evidence. Plaintiff's evidence is closed in the year 2018 itself and does not wish to lead any further evidence. Since in last 6 years defendant No. 5 and 6 failed to lead evidence their evidence be closed.

03. The defendant No. 5 and 6 through their say by stretching the prayer of plaintiff is seeking decree on the admission under Order 12 Rule 6 of Civil Procedure Code. The stretch given by defendant No. 5 and 6 is not correct and cannot be accepted. Prayer of no evidence order sought by plaintiff cannot be termed as an admission to anything. Hence, the prayer sought by defendant No. 5 and 6 in reply to this application holds no water.

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04. It is fact on record that defendant No. 5 and 6 have not laid evidence in the matter. Today this Court by passing detail order below Exh. 153 has given direction parties to proceed in the matter. Hence, one last opportunity needs to be given to defendant No. 5 and 6 to lead any evidence if they desire by next date if failed to without any just reason then appropriate order will follow at exh. 1. With this directions the application stand disposed off.

Date - 11/06/2024

(N.K.Nagargoje)
Civil Judge, J.D., Bhor,
Dist. Pune