

Special Civil Suit No. 579/2011

Aanandi Gharat Vs Anant Patil
CNR MHRG04-000691-2011

ORDER BELOW EXH. 233

(Dated 14/11/2024)

1] Heard the Ld. Counsel of plaintiff. The defendants filed their say the said application. The application at **Exh.233** has been filed by the plaintiff to set aside evidence closed order passed against the plaintiff below **Exh.217** on 17/10/2024.

2] The learned counsel for the plaintiff submitted that, the stage is fixed for evidence and cross-examination of the plaintiff witness No.1. The plaintiff could not remain present before the court on 17/10/2024, hence, evidence of the plaintiff was closed. Hence, he prayed to set aside order dated 17/10/2024 passed below Exh.217.

3] The Learned Counsel of the defendant No.1 to 7 submitted that, since 04/07/2024 the stage is fixed for cross-examination of the plaintiff and the plaintiff is absent. The plaintiff has intentionally prolonged the matter. Hence, application be rejected. If the application allowed, cost of Rs.4,000/- be imposed. The defendant No.9 and 10 gave no objection to allow the said application.

4] On perusal of the record of the case, it is seen that since 04/07/2024 the plaintiff is absent. Hence, on 17/10/2024

the evidence of the plaintiff was closed by passing order below Exh.217. Thereafter, the present application came to be filed today. No doubt, the plaintiff has prolonged the matter, however, considering the principle of natural justice, it is necessary for the plaintiff to lead her evidence. Cost should suffice the defendant. Hence, the following order is passed.

ORDER

- 1] The application is allowed.
- 2] Order passed below Exh.217 against the plaintiff is hereby set aside subject to cost of Rs.1000/-(Rupees one Thousands only) be paid to the other side.

Date : 14/11/2024

(N. S. Kakade)
3rd Jt. Civil Judge, Senior Division,
Panvel.