

Order below Exh. 301 in R.C.S. No. 12/2004

Defendant Nos. 2A, 2B, 2C & 2D have filed an application for permission to lead oral evidence.

02. Plaintiff filed his say and submitted that, suit is old one. Defendants are avoiding to proceed with the suit. Ld. Counsel further submitted that conduct of the defendants be taken into consideration. He also prayed for imposing the cost while passing necessary order.

03. I have gone through both application and say as well as entire record. No doubt said suit is old one. Defendant No.1 has closed his evidence on 28/10/2021. As per procedure, defendant No.2 ought to have given his evidence just thereafter, but it did not happen. Defendant Nos. 2A to 2D have taken time more than 1 year by filing different applications like Exh. No. 276, 280, 281, 282, 283, 284, 288, 292, 293, 295, 296, 297, 299 etc.. On each and every time, Court has passed necessary order on aforesaid applications and tried its level based to expedite the suit being old one.

04. After consuming much time of the Court by filing aforesaid applications, today defendant Nos. 2A to 2D filed present application and claimed that they want to lead evidence. Actually, they could have done it earlier too. It shows that, present defendants have to cause delay in proceeding and to prolong the matter.

Now, only one and last chance is granted to lead them evidence. However, it cannot be ignored that, present defendants have consumed the valuable time of the Court without having

sufficient reason. Therefore, cost is required to be imposed against them. Therefore, I proceed to pass following order.

ORDER

1. Application is allowed subject to cost of Rs. 10,000/-. Out of which, Rs. 5,000/- to be deposited in the Court and remaining Rs. 5,000/- to be given to the plaintiff.
2. Only last chance is granted to the defendant Nos. 2A to 2D to lead evidence.

Place: Karad.
Date: 08.02.2023.

(Jayshree Punawala)
3rd Jt. Civil Judge, S. D. Karad.