

CNR No. MHRT010005682021

Civil M. A. No. 76/2021

Shri. Mahadev Vitthal Gawade

Applicant.

Vs.

Sau. Niha Mahadev Gawade

Opponent.

Order below Exh.60

1. This is an application filed by opponent for setting aside no evidence order passed below Exh.1 against her by this Court.

2. The opponent submitted that last date she was not feeling well hence, she could not remain present before the Court and adduce her evidence in the matter. It is further submitted that she is ready to file her evidence i.e., examination-in-chief affidavit. If the opponent is not allowed to adduce evidence, she will be deprived of from justice. Therefore, it is necessary to set aside the no evidence order passed by this Court for proceeding further. It is further submitted that the said delay for filing evidence is not intentional or deliberate. The present application is supported with the affidavit of opponent. It is prayed to allow the application.

3. The applicant strongly resisted the application by filing say on the application itself and submitted that the present application is not tenable. It is further submitted that the opponent has filed this application without cogent reasons and contents of application are not supported with any documentary evidence. It is also submitted that if the Court deems it fit to allow the application, then heavy cost may be

imposed. Finally, it is prayed to reject the application.

4. On perusal of application and other record of the case, there appears substance in this application. The record shows that the nature of matter is family dispute between husband and wife and for the interest of justice, it would be proper to give last chance to adduce evidence to opponent and applicant will get an opportunity to cross examine the opponent. Therefore, I am of the opinion that the application is worthy to be allowed. Hence, the following order.

ORDER

1. Application Exh. 60 is allowed.
2. The 'no evidence order' passed below Exh.1 by this Court against opponent is hereby set aside.
3. Concerned to take note.

Date :- 05.02.2026.

(A. M. Ambalkar)
District Judge- 1, Ratnagiri.

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

Case Number		Civil M.A. No.76/2021 Exh.60
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	05.02.2026
Order signed by the P.O. on	:-	05.02.2026
Order uploaded on	:-	12.02.2026

