

Order Below Exh. 69 in R.C.S. No.23 /2013
(CNR No. MHRT08-000266-2013)

1. The present application is filed by the plaintiff to set aside no evidence order passed against him and submitted as under :-

The plaintiff no.1 was ill when no evidence order is passed against plaintiffs. On 12/05/2019 the plaintiff no. 1 died. The plaintiff no. 3 was taking steps to bring legal representatives of the plaintiff no. 1 on record. The plaintiff no. 1 and 3 are having close relationship hence, after death of the plaintiff no. 1 the plaintiff no. 3 failed to give his evidence within sufficient time. Now the plaintiff no. 3 is prayed to allow the present application and to set aside no evidence order passed against him.

2. On the other hand, defendants have filed their say and submitted that the plaintiff has purposely delayed the suit. The reasons mentioned in the application are false and therefore application may be rejected.

3. It is seen that on 10.4.2019 no evidence order is passed because the plaintiff no.3 failed to give evidence. To decide the matter on merit it would be proper to give opportunity to the plaintiff no. 3 to produce his evidence affidavit. The plaintiff no. 3 has submitted that on 12/05/2019 the plaintiff no. 1 died but before that no evidence order is passed hence, this is not a proper reason to say that due to demise of the plaintiff no. 1 the plaintiff no. 3 failed to give his evidence. There is no documentary evidence is on record about illness of the plaintiff no 1. Considering all these reasons cost has to be impose upon the plaintiff no. 3. Hence, the following order :-

-: ORDER :-

1. The application is allowed.
2. No evidence order passed against the plaintiff no. 3 is set aside subject to cost of Rs. 1000/- be paid to the defendants.

Date :08.01.2020

(P.R.Sabnis)
Civil Judge,Deorukh

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh.69 in R.C.S No. 23/2013)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer :- S. S. Thaware (Jr. Clerk)

Court Name :- The Court of Civil Judge (J.D.) &
Judicial Magistrate F.C., Deorukh

Date of decision :- 08/1/2020

Judgment signed by PO. :- 08/1/2020
on

Judgment uploaded on :- 09/1/2020