

Order below Exh.123

Perused the application. This is for setting aside 'No Evidence' order passed against plaintiff No. 2 .

02. Power of attorney of plaintiff No. 2 contended that plaintiff No. 2 is ill due to his old age. Therefore, he was unable to present. Now, he prayed for setting aside 'No Evidence' order passed against him.

03. On the other hand, defendant filed his say contending that plaintiff willfully was absent in the Court. Reason is not proper. Hence, the plaintiff prayed for the rejection of the application.

04. Heard both sides. Perused the record. '*Audi alteram partem*' – both parties should be heard is the basic principle of natural justice. Hence, in order to decide the suit on merits and in the interest of justice, I pass following order :-

ORDER

1. The application is allowed, subject to cost of Rs. 400/- be credited to the Government.
2. 'No Evidence' order passed against plaintiff No. 2 is hereby set aside.
3. Plaintiff No. 2 is allowed to file his evidence on or before next date after depositing above said cost amount.

Date:03/10/2025
Place: Lanja.

(S. R. Joshi)
Civil Judge Junior Division.
Lanja.

CERTIFICATE

I affirm that the contents of this pdf file Order are same words as per original Order,

Name of the Stenographer: S. D. Chavan

*Court Name: Civil & Criminal Court, Lanja,
Dist.Ratnagiri,*

Date of decision : 03/10/2025.

Judgment/Order signed by P.O.on : 03/10/2025.

Judgment/Order uploaded on : 04/10/2025.