

Order Passed Below Exh. 40 In R.C.S.No.29/2018

Perused the application & say filed at exh.41. Heard both sides. Application is well supported by an affidavit. Perused the record. It reveals that plaintiff has filed the present suit seeking relief of permanent injunction in respect of the suit land i.e. S.No.22, hissa no.4/10 situated at village-Sukalbhat, Tal.Vengurla. Roznama also reveals that present suit is more than 5 years old. Matter is pending for hearing on exh.5. In spite of giving sufficient amount of time plaintiff fails to argue on exh. 5. Hence, no argument order is passed on 14-6-2023 against plaintiff. Defendant has filed his written argument at exh. 39. Reasons mentioned in the application are not just and proper. However, in the interest of justice and in order to solve the real dispute between parties on merit, it would be proper and just to allow application subject to condition. Hence, application is allowed as prayed subject to condition that plaintiff shall argue on exh. 5 on next date of hearing without fail, otherwise effect of this order will be vacated. No argument order is hereby set aside. Parties to note.

(Pronounced in the open Court.)

Sd/-
(K.K.Patil)

Date : 10/01/2024.

Civil Judge, Jr.Dn., Vengurla.