



CNR No. MHSI070002262020
Order passed below Exh. No.36
(I.A. No.2/2024) in R.C.S. No.28/2020

The present application is filed by the plaintiff to set aside no evidence order dated 23/07/2024 and allow the plaintiff to lead its evidence.

2. Read the application alongwith the say filed by the defendants. The plaintiff has contended that bank manager was out of station for the bank's work, therefore, he could not appeared before the court. Moreover earlier bank manger was transferred and new manager is appointed. The plaintiff's bank intended to adduce further evidence. Therefore prayed to allow the application and set aside no evidence order passed against the plaintiff. In support of the said reasons the plaintiff's has attached affidavit of Vijay Gorakha Dhere.

3. From the contents of the application as well as affidavit it appears that the plaintiff has assigned sufficient reasons for its absence. The present suit is filed for recovery of money and interest. The valuable rights of the parties are involved. In order to decide the suit on merit, it is necessary to grant an opportunity to the plaintiff to adduce its evidence. At the same time, it is necessary to impose Costs upon the plaintiff for causing inordinate delay to adduce its evidence. Hence, I pass following order.

ORDER

1. The application at Exh.36 is hereby allowed and no evidence order passed against the plaintiff dated 23/07/2024 is hereby set aside on payment of Costs of Rs.500/- be paid to the defendants.
2. The plaintiff shall adduced it's further evidence within a period of one month from the date of passing the order without fail.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 17/10/2024

Mahesh R. Devkate
Civil Judge Jr.Dn., Malvan.