



Regular Civil Suit No. 38 of 2021

Order Below EXH. 30

This is an application for setting aside the evidence discard order dtd.08/11/2023 passed against PW1.

It is contended that as the witness was ill on 08/11/2023, he could not remained present and hence the evidence discard order was came to be passed. It is contended that the witness had no malafide intentions in remaining absent, if opportunity not given to lead evidence, it may result into causing prejudice to the plaintiff hence he prayed that application be rejected.

Defendant No. 1 to 3 filed say contending that, the application is false and that the application be rejected.

Perused the application, heard Ld. advocate for plaintiff and Ld. advocate for defendants. The application does not reveal any justified cause. However, it is necessary to understand that giving appropriate opportunity to the plaintiff would ultimately result in assisting the court in arriving at a decision on merit. So also, it would avoid causing prejudice to the plaintiff. Considering the same and in the interest of justice, the application is required to be allowed with costs. Hence I proceed to pass the following.

ORDER

1. Application is allowed subject to payment of cost of Rs. 300/- (Rupees Three Hundred Only).
2. On payment of cost amount to legal aid, the evidence discard order passed against the Plaintiff be set aside.

SD/-***

(Y. P. Bavkar)

Civil Judge (Junior Division),

Dodamarg.

Place : Dodamarg.

Date : 30/01/2024.