



Order below Exh No.58 in R.C.S.No.90/2020
(Anjana Kolekar Vs. Vimal Sawant)
(CNR NO.MHSN020006132020)

The present application is moved by plaintiff for setting aside 'Evidence close' order passed against her.

2. It is contended that since an order of 'Evidence close' was passed below Exh.1 against her on 16.07.2024. However, in the interest of justice an opportunity should be given to her to adduce her evidence. Hence, she prayed to allow the application.

3. The defendant has filed her say overleaf of the application and denied all the contention in toto. According to her, in the instant matter, the plaintiff has filed her affidavit of examination-in-chief on 08.08.2023. Thereafter, ample opportunities were given to the plaintiff. She failed to remain present for cross-examination. Hence, she prayed to reject the application and in the alternative, prayed to impose heavy costs, if the Court came to the conclusion to allow the present application.

4. Heard advocate of both the parties. Perused the record.

5. The plaintiff has filed the present suit for perpetual injunction. The reason mentioned in the application is not just and proper. However, to decide the present suit on merits, evidence of the plaintiff should be on record. Therefore, considering the nature of suit, one opportunity deserves to be granted to the plaintiff in the interest of justice. Thus, it would be necessary to set aside such an order. However, the casual conduct of the plaintiff can be saddled with costs. Hence, the order:

ORDER

1. The application is allowed subject to a cost of Rs.500/- to be paid to the defendant on or before the next date.
2. On due compliance, the order of 'Evidence Close' shall stand set aside.
3. On non-compliance of the said order, the order passed below Exh.1 on 16.07.2024 shall remain in force.

Date:-06.08.2024
Sangli.

(Shubhangi A. Nalawade)
8th Jt. Civil Judge Jr. Dn., Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	R. B. Samalewale,
Court Name	:	Smt. Shubhangi H. Nalawade. 8th J.M.F.C., Sangli.
Date	:	06.08.2024
Signed by P.O.on	:	08.08.2024
Uploaded on	:	08.08.2024