

Order below Exh.35 in R.C.S.No.265/2021

(Sarjerao Kadam V/s. Ujwala Lad)

(MHSN020017002021)

This is an application made by defendant for permitting her to change her earlier Advocate.

2. According to defendant, her earlier Advocate has been appointed as Public Prosecutor at Kolhapur. Hence, he is unable to prosecute further. Defendant wants to contest the suit. Therefore, she is in need of another Advocate. Accordingly, she prayed for permitting her to appoint another Advocate.

3. Plaintiff filed his say overleaf. According to him, the present application has been made only with the object of time killing. Defendant and her Advocate have been absent in the proceedings since last one year. Accordingly, plaintiff prayed for rejection of application. In case, application is allowed, plaintiff prayed for imposing costs of Rs.1,000/- on defendant.

4. Perused record. Heard both sides.

5. As mentioned by the plaintiff it appears from the record that, defendant and her Advocate have been absent in the proceeding since 20.04.2023 that means about one and half year defendant was absent from the proceedings. However, appointment of Advocate is the sole discretion of concerned party. In such case, in order to maintain fairness in the trial and to give defendant an opportunity to contest the proceedings on merits, it will be proper to allow this application. However, appointment of another Advocate should be done according to the settled procedure. Already the time of about one and half year has been wasted due to non appearance of defendant. Therefore, it will be

necessary to expedite the proceedings. Therefore, if defendant was to appoint another Advocate, she is at liberty to do so. However, if she wants to do so, she should do it on or before next date without fail, otherwise adverse inference can be drawn against her. Accordingly, I pass following order.

ORDER

1. Application is allowed.
2. Defendant is at liberty to appoint another Advocate subject to bringing no objection of earlier Advocate.
3. Defendant to take necessary steps on or before next date, otherwise necessary adverse orders will be passed against her.
4. Defendant to take note.
5. Costs in main cause.

Sangli
Date:-03.01.2025

(Onkar S. Shastri)
11th Judicial Magistrate First Class,
Sangli.

CERTIFICATE

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

Name of Stenographer :- Rafik B. Samalewale, Stenographer
Name of Court :- **Shri. Onkar S. Shastri**
11th Jt. CJJD., Sangli.
Date of decision/typed :- 03.01.2025
Judgment/order signed by the :- 03.01.2025
PO. on
Judgment/order uploaded on :- 04.01.2025