

M.A.C.P NO.12/2022

CNR NO.MHSNO4002402022

(Narayan Vishnu Nangare V/s. Shri. Manoj Keshav Kamble)

Order blow Exh.20.

This is an application for setting aside 'Evidence closed order' passed against claimant on dated 05/09/2024 and grant of permission to lead evidence.

02. The respondent has not filed reply to this application. Hence, application proceeded without his say. Perused the record.

03. As it transpires, the claimant has contended that on the day fixed for leading evidence, he was ill. The matter therefore, went unattended and Evidence closing order came to be passed against the claimant. There was no deliberate intention to protract the trial. If claimant is not permitted to lead evidence, it will cause irreparable loss to his case. Hence, the claimant prayed for setting aside Evidence closed order and necessary permission to lead evidence.

04. It transpires from the record that the claimant has promptly remained present on all necessary fixed dates. On the day of his evidence he remained absent, but adjournment application was not moved. Hence, Evidence closing order came to be passed. Now the claimant has given just and sufficient cause for non appearance on the fixed date. The original petition is for claiming compensation under Section 166 of M.V. Act. If the claimant is not allowed to lead his evidence, the same may cause irreparable loss to the claimant. Therefore, it is necessary to decide

the petition on merit. The interest of justice can be protected by giving one more opportunity of hearing to the claimant.

05. Hence, considering the discussion made above, I hold the application deserves to be allowed. Accordingly, following order is passed :-

ORDER

1. The application is allowed.
2. 'Evidence closed order' passed against claimant on dated 05/09/2024 stands set aside.
3. The claimant is permitted to lead evidence.

Islampur.
Dt. 20/01/2025

(A. H. Kashikar)
Adhoc District Judge-1 &
Member, M.A.C.T., Islampur.

Certificate

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

Name of Stenographer : J. R. More [Grade-1]
Court : Adhoc-District Judge-1, Islampur
Date : 20/01/2025
Order signed by the
Presiding Officer : 20/01/2025
Order uploaded on : 30/01/2025

