

Order below Exh.42 in R.C.S.No.66/2011
(Suresh Narale & Ors. V/s. Pandurang Narale & Ors.)
(CNR: MHSN080002982011)

The present application is moved by defendant Nos.1 to 3 for setting aside evidence close order passed against them. It is contended that, the plaintiffs have instituted the present suit against the defendants for partition and declaration. Defendant Nos.1 to 3 are illiterate and used to go out of district for cutting of sugar cane crop for their livelihood. Therefore, they could not provide material documents to their Advocate. Due to which, they failed to adduce their evidence. Resultantly, evidence close order came to be passed against them. Hence, prayed to allow the application.

2. The plaintiff has filed the say at Exh.44 and denied all the contention in toto. According to plaintiffs, the defendants have deliberately prolonging the matter to kill the time. No evidence is filed by them, therefore, their evidence is also closed. Therefore, prayed to reject the application with heavy costs.

3. Read the application and say filed by plaintiffs. Heard both sides. Perused the record.

4. It is seen that learned Counsel for defendant Nos.1 to 3 was absent on the day of cross-examination and therefore, he could not cross-examine the plaintiff and failed to adduce their evidence. Resultantly, on 28.08.2025, evidence close order came to be passed against the defendants. However, Considering the nature of suit, it is necessary to decide the suit on merits, so defendants should get an opportunity to adduce their evidence in the interest of justice. The application filed by defendant Nos.1 to 3 for setting aside no cross order passed against them is allowed. Therefore, the present application deserves to be allowed. Hence, I proceed to pass following order.

ORDER

1. Application is allowed.
2. Evidence close order dated 28.08.2025 passed against the defendants is hereby set aside.
3. No order as to costs.

Jath.
Date:-05.02.2026

(Prakash C. Bachhale)
Civil Judge Jr. Dn., Jath.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer :- R. B. Samalewale

Name of the Court :- Shri. Prakash C. Bachhale,
Civil Judge Jr. Dn., Jath.

Date of decision :- 05.02.2026

Order signed by P.O. on :- 05.02.2026

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