

MHSN110003212009



ORDER BELOW EXHIBIT - 201
IN RCS NO. 57/2009
(Chandrkant Mote Vs. Sahebrao Mote)

1] Plaintiff has filed present application to set aside No Evidence order passed against him.

2] It is the contention of the plaintiff that, the suit is filed for partition. Due to health problem, plaintiff filed his adjournment application and Court has rejected the application and has passed no personal evidence order. Plaintiff also submitted that, he did not deliberately absent before the court. If the application is rejected, there will irreparable loss of plaintiff. No prejudice would cause to defendant no. 18 if the application is allowed. Hence, prayed to allow the application.

3] Defendant has filed say overleaf the application and resisted the same. It is submitted by the defendant that, false application is filed and contentions are denied in toto. The application is not supported by any documentary evidence. There is no reasonable ground is mentioned. The application is filed to delay the proceedings. The present matter is 16 years old and Court has closed oral evidence many time. Hence prayed to reject application with cost.

4] Heard the both advocates. Considering the contentions, following points arise for my consideration and I have recorded my findings thereon along with the reasons as below:

Sr.No.	Points	Findings
1]	Whether No Evidence order passed against plaintiff is liable to be set aside ?	Yes
2]	What order ?	As per final order...

REASONS:

5] The record shows that, affidavit examination in chief is filed on 02/12/2024. The matter was partly examined on 13/01/2025. On 05/03/2025 no evidence order was passed. On next date, the present application is filed along with another amendment application. The matter is old one and the plaintiff is not expected to cross delay due to his absence. However, the oral evidence of plaintiff is necessary to adjudicate matter on merits Hence, the principle of natural justice and fair trial, the application is deserves to be allowed by imposing reasonable cost. Hence, I answer point no.1 in the affirmative and in result of point No.2 I pass following order:

:: ORDER ::

1. The application vide Exh.201 is allowed on total cost of

Rs. 500/- (Rs. Five Hundred Only) be given to the defendant no. 18 on or before next date.

2. Cost in Cause.

Date: 19.08.2025

(R. B. Kulkarni)
Jt. Civil Judge Junior Division,
Atpadi.

Endorsement

Case argued on	:	19.08.2025
Order dictated on	:	19.08.2025
Transcription ready on	:	19.08.2025
Order checked and signed on	:	20.08.2025

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Certificate

I affirm that the contents of this PDF order are same word to word, as per the original order.

Name of Stenographer :-A.R.Jadhav