



Sou.Chitra Mohan Bhosale

..... Plaintiff

Versus

1. Bajarang Tukaram Bhosale

..... Defendants

ORDER BELOW EXHIBIT 71

1. The plaintiff has moved the application vide exhibit 71 for setting aside evidence closed order and allowing plaintiff to lead further evidence. The plaintiff has stated that, evidence of plaintiff is closed. However, plaintiff wants to lead evidence. The plaintiff must get the opportunity to lead further evidence, otherwise she will suffer irreparable loss. Hence, application is to be allowed.

2. The defendants have not filed say but raised strong objection during argument. Hence, application is to be rejected.

3. I have perused application vide exhibit 71. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Does plaintiff entitle for leading further evidence ?	Yes
2	What is order ?	The application is allowed.

Reasons

4. The present suit is for Perpetual injunction. The nature of suit is such that, if the opportunity to lead evidence is denied to the plaintiff, then it will affect the merit of case. It may result into multiplicity of proceeding. ‘Audi alteram partem’ is principle of natural justice. It means that, no one shall be condemned unheard. Hence, it is just and proper to give opportunity to the

plaintiff to lead further evidence. The defendants have not filed say but raised strong objection during argument. The plaintiff has stated that, the opportunity to lead further evidence is to be given to plaintiff, in the interest of justice. The reasons stated by the plaintiff for leading further evidence are sufficient. The plaintiff has not avoided to lead evidence. The circumstances were beyond the control of plaintiff. Hence, it will not be proper to saddle the cost on shoulder of the plaintiff, after considering the circumstances. Therefore, the present application is allowed. In the result, the following order is passed.

ORDER

1. The application vide exhibit 71 is allowed.
2. The order passed against the plaintiff vide Exhibit 01 stating that, 'evidence of plaintiff is closed', is hereby set aside. The evidence of plaintiff is re-opened. The plaintiff is to lead further evidence.
3. The suit shall proceed further according to provisions of law.

Pandharpur.
Date – 20-04-2026.

Smt. K. A. Katkar
3rd Joint C. J. J. D, Pandharpur.

: CERTIFICATE :

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	:	RCS 55/2019
Name of Stenographer	:	S.P.Doke,
Court Name	:	3 rd Joint Civil Judge Junior Division Pandharpur, Dist-Solapur
Date of Decision	:	20-04-2026
Order signed by P.O. on	:	20-04-2026
Order uploaded on	:	20-04-2026