



Regular Civil Suit Number 162/2019
CNR Number MHSO- 07-000196-2019

1. Kisan Sopan Khare Plaintiffs.
Versus
Laxman Sambhaji Gaikwad Defendant

ORDER BELOW EXHIBIT 63

1. The plaintiff has moved the application vide exhibit 63 for setting aside evidence closed order. The plaintiff has stated that, he was out of station due to work for his livelihood. Hence, court has passed order below exhibit 1 and closed evidence of plaintiff. The plaintiff must get the opportunity to put forth his case, otherwise he will suffer irreparable loss. Hence, order passed below exhibit 1 on 25/07/2025 stating that, evidence of plaintiff is closed, is to be set aside.

2. The defendant has raised strong objection during argument. It is stated that, application is false and vexatious. There is no sufficient reason. Hence, application is to be rejected.

3. I have perused application vide exhibit 63. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Does plaintiff entitle for setting aside, 'evidence closed order' passed below exhibit 1 ?	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 evidence. The defendant has filed say and raised strong objection. The plaintiff has stated that, he was out of station due to work for his livelihood. The reasons stated by the plaintiff for setting aside order dted 25/07/2025 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 63 is allowed.

2. The order passed against the plaintiff vide Exhibit 01 stating that evidence of plaintiff is closed is hereby set aside. The plaintiff is to lead further evidence, if any. The suit shall proceed further according to provisions of law.

Pandharpur.
Date – 13/03/2026.

Smt. K. A. Katkar
3rd Jt. 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 162/2019
Name of Stenographer	:	S. P. Doke,
Court Name	:	Joint Civil Judge Junior Division Pandharpur, Dist-Solapur.
Date of Decision	:	13/03/2026
Order signed by P.O. on	:	13/03/2026
Order uploaded on	:	13/03/2026