

ORDER BELOW EXHIBIT-104 IN R.C.S.No.577 of 2007

Defendant has filed this application for setting aside no evidence order.

2. It is stated that matter was posted for defendant's evidence. Accordingly defendant's second witness i.e. Talathi Zaregaon U.N.Shaikh was summoned. But he is retired old-aged person having diabetes and blood pressure. Due to which he could not attend the Court. Accordingly application for adjournment was given but rejected by the Court and no evidence order was passed. Hence prayed that no evidence order be set aside.

3. Plaintiff filed the say on the said application stating that the contents are false. Previously several opportunities were given to defendants. The witness was never admitted in the hospital and is not ill. Due to which the no evidence order cannot be set aside. Hence prayed for rejection of the application.

4. Perused the application and say. It reveals that defendant intends to examine the Talathi. It is pleaded that he is of old-age and ill person. Opportunity has to be given for the said witness. Considering the reason it will be proper to allow the application and permit the defendant to adduce his evidence. Hence I pass the following order :

ORDER

1. Application is allowed.
2. No evidence order is hereby set aside subject to cost of Rs.300/- be given to the plaintiff.

Date : 26.02.2020.

(J. A. Zari)
Jt. Civil Judge (J.D.), **Barshi**.

CERTIFICATE

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

Name of Stenographer : A.S.Magnur.

Court Name : J.A.Zari,
Jt.C.J.J.D. & J.M.F.C. Barshi.

Date : 26.02.2020.

Order signed by the
presiding officer on : 26.02.2020.

Order uploaded on : 26.02.2020.