

MHSO130012952014



ORDER BELOW EXHIBIT-24

Heard both parties. Today, I passed the order below Exh.1 and thereby dismissed the suit in default of the plaintiff at 03.05 pm. Now the learned counsel for plaintiffs filed this application at 04.50 pm. The learned counsel for the defendants strongly opposed the application. He submitted that this application is not supported with the affidavit in lieu of examination-in-chief of plaintiffs' witness. No doubt, this application moved on the same day when suit is dismissed in default. It is settled principle of law that it is not necessary to the plaintiff to move an application for restoration of the suit if the said application is on same day. This application is on same day. Considering the reasons mentioned in the application and when the plaintiffs are ready to furnish the affidavit in lieu of examination-in-chief after two days then I am of the opinion that one more opportunity required to be given to the plaintiffs. Hence, application Exh.24 is allowed subject to costs of Rs.500/- to be paid to the defendants with direction that on next date the plaintiffs to lead evidence otherwise this order will be vacated and suit will be dismissed in default.

Barshi.
Dt. 23/04/2024.

(S.B.Vijaykar)
Jt. Civil Judge Jr.Dn. Barshi.

R.C.S. No.856/2014
Dinkar Vrs. Vishwas & Ors.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order

(a)	Name of the Stenographer	:	Shri.S.R. Barangule
(b)	Court	:	Shri.S.B. Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	23/04/2024
(d)	Judgment /Order uploaded on	:	23/04/2024