

ORDER BELOW EXH 55

The present application has been filed by the defendant seeking an adjournment on the ground that defendant no.1 is unwell and, therefore, is unable to lead evidence. Along with the application, the defendant has annexed a photocopy of a medical prescription in support of the claim of illness.

2. The plaintiff has filed a say objecting to the application, contending that the defendant is merely attempting to protract the proceedings. It is further submitted that the defendant has already been granted sufficient opportunities to lead evidence and has failed to avail the same. The plaintiff has, therefore, prayed for the rejection of the present application and closure of the defendant's evidence.

3. I have perused the record of the proceedings. It is evident that the defendant was previously granted a final opportunity to lead evidence vide order passed below Exh. 54 on 06/02/2025. Thereafter, the matter was adjourned to 07/03/2025 for recording the evidence of the defendant. However, on the said date, neither the defendant nor his advocate appeared before the Court, nor was any application filed seeking adjournment or explaining their absence. It is only on the present date that the instant application has been filed.

4. The record further discloses that the defendant has been granted multiple opportunities to lead evidence but has not availed of the same diligently. The only document annexed with the present application is a photocopy of a medical prescription. It is a settled position that a mere photocopy of a medical prescription without any corroborative evidence cannot be relied upon as conclusive proof of illness. However, considering the principles of natural justice and in order to afford the defendant one last

opportunity to adduce evidence, it is deemed appropriate to grant a final chance to the defendant, albeit subject to costs.

5. In view of the aforesaid discussion, the application is allowed in the interest of justice. The defendant is granted one final opportunity to lead evidence on the next date of hearing, failing which the evidence of defendant shall stand closed. This opportunity is granted subject to the payment of costs of Rs. 4,000/-, out of which Rs. 3,000/- shall be paid to the plaintiff, and the remaining Rs. 1,000/- shall be credited to the Madha Taluka Legal Services Authority, Madha. The costs shall be deposited on or before the next date of hearing.

Madha
Date: 03/04/2025

(Shubham G. Laturiya)
4th Jt C.J.J.D., Madha
JO Code: - MH03297

<u>CERTIFICATE</u>	
I affirm that, the contents of this P.D.F. file Order/Judgment is same word to word, as per the original order/judgment.	
Name of Stenographer	: M.P.Dixit Grade-3
Court Name	: 4 th Jt. C.J.J.D. & J.M.F.C., Madha.
Order/Judgment signed by the Presiding Officer on	: 03/04/2025
Order/Judgment uploaded on	: 04/04/2025