

ORDER BELOW EXH. 120 IN R.C.S. NO. 61/2005
(CNR-MHSO180000652005)

The present application has been filed by plaintiff no. 3b for permitting him to compliance of order passed below Exh. 114 and to deposit cost amount in the Court. Called say of the defendants.

2. As per the contention in application, inadvertently plaintiff no. 3b has failed to comply the order at Exh. 114. Now he is ready to deposit the cost amount. Hence, prayed for permitting him to deposit cost amount. The defendants have filed their say and submitted that, sufficient opportunity is given to the plaintiffs but they prolonging the suit. Hence, they prayed to reject the application.

3. Perused the record. It is revealed that, plaintiff no. 3b has filed application at Exh. 114 for further evidence and the Court has allowed the said application subject to cost of Rs.500/- on 17.06.2025. Plaintiff no. 3b was directed to deposit cost amount to T.L.S.C. but he has failed to deposit cost amount. It is crystal clear that, there is delay in depositing cost amount. But, it is cherished principle of law that, everyone should get the chance to lead his case. If the application is rejected and permission to deposit cost will not given to plaintiff no. 3b, he will suffer heavy loss and will not get the opportunity to lead his case. At the other hand, if the application is allowed, no loss will be caused at the side of defendant except delay. One can't vitiate right of any person to lead his case on ground of delay. In the interest of justice, a fair chance, an opportunity should be given to plaintiff no. 3b.

4. Hence, in the backdrop of above discussion, I proceed to pass the following order.

ORDER

1. Application is allowed subject to cost of Rs. 200/- to deposit T.L.S.C., Mangalwedha.
2. Plaintiff no. 3b is allowed to deposit cost amount of Rs.500/- of application at Exh. 114 immediately without fail.
3. Both parties are directed to expedite the proceeding of the case.

Date : 04/08/2025

(V.K. Patil)
Civil Judge J.D., Mangalwedha.

CERTIFICATE

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

- (a) Name of the Stenographer : S.M. Gaddam,
- (b) Name of the Court : C.J.J.D., Mangalwedha, Dist. Solapur,
- (c) Order signed by P.O. on : 04/08/2025
- (d) Order uploaded on : 05/08/2025