

MHST010020692018



Order Below Exh. 37 in MACP No. 158/2018
(Balkrishna @ Balu Bhosale & Ors. Vs. Mohan Sonmale & Ors.)

This application is filed by the respondents for setting aside the order of “Evidence close” passed against them on 08.12.2022, below Exh. 1.

02. It is contended by the respondents that, on 08.12.2022 there was religious function at their home, so they failed to appear before the Court and the order of “Evidence close” was passed against them. It is further contended that for the adjudication of matter on merits, it is necessary to record evidence of respondents. They further contended that if said order is not set aside they would suffer irreparable loss. Hence, they prayed to set aside order of “Evidence Close” passed against them below Exh. 1 on 08.12.2022.

03. The petitioners by filing their say on this application itself has strongly objected this application by contending that all the contents in the application are false. It was necessary to lead evidence by respondents immediately after closing evidence of petitioners. Hence, the petitioners prayed to reject the application.

04. Heard both the sides. Perused record and proceeding.

05. There is no dispute that the right of a party to lead evidence is an important aspect of fair adjudication. Ordinarily, a matter ought to be decided on its merits after affording reasonable opportunity to the parties to place their respective cases on record. However, such opportunity cannot be construed as an indefinite right to seek repeated adjournments or to prolong the proceedings. The discretion to grant further opportunity has to be exercised keeping in view the conduct of the party, the stage of the proceedings and the requirement of expeditious disposal.

06. In the present case, the record indicates that the respondents were not deprived of a reasonable opportunity to lead their evidence. Despite such indulgence, the respondents failed to lead their evidence. The impugned order of “Evidence Close” was therefore, not passed without affording an opportunity to the respondents.

07. Moreover, it appears that the claim petition was instituted in the year 2018. Thus, the proceedings have remained pending for a considerable period. The respondents, having already availed of opportunities granted by the Court/Tribunal, cannot claim an unrestricted right to reopen the stage of evidence merely on the ground that their evidence is necessary for adjudication on merits. No convincing or sufficient explanation has been placed on record for their failure to lead evidence despite the

opportunities granted to them.

08. Merely stating that the evidence of the respondents is necessary for deciding the matter on merits is not, by itself, sufficient to justify setting aside the order of "Evidence Close". The respondents were required to show sufficient cause explaining why the opportunities already granted could not be availed. In the absence of such satisfactory explanation, granting another opportunity would prejudice the petitioner and would further delay the adjudication of an old proceeding. The application is therefore, liable to be rejected. Hence, I proceed to pass following order -

ORDER

Application (Exh.37) is hereby rejected.

Satara.
Date : 13.08.2026.

(A. S. Waghmare)
Chairman, M.A.C.T.
Satara.