

Order Below Exh. 49 in R.C.S. No. 277/2013

Sanjay Kisan Gurav

Vs.

Jitendra Vastaj Mohite & Ors.

1. The present application is filed by plaintiff for setting aside the order of “No evidence” passed against him on the ground that as he was suffering from Jaundice he could not attend the court for adducing evidence. Accordingly, it is prayed to allow the application. Say not filed. On perusal of record it becomes clear that my learned predecessor passed order below exhibit 1 dated 6-1-2016 and closed evidence of plaintiff. However, thereafter at exhibit 50 plaintiff moved amendment application which came to be allowed. Thereafter, due to non-filing of additional written statement by defendants to the amended plaint the order of “No additional Written Statement” came to be passed against defendants below exhibit 1. In my considered view, looking into the position as discussed it would be justifiable to set aside the order of “No evidence” passed against the plaintiff so that the matter can be decided on merits. Accordingly, I pass the following order :-

Order

The order of closure of evidence of plaintiff is set aside.

The plaintiff shall adduce evidence on next date without fail.

The plaintiff shall bear the cost of present application.

Date – 7/12/2021

Place – Karad

(A. P. Kulkarni)
4th Jt. CJSD, Karad