

CNR No.MHST-0500-0444-2007

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**  
**ORDER BELOW EXH.164 IN R.C.S. NO.83 OF 2007**

Shri. Mahesh Krushnrao Nikam	...Plaintiff.
<i><b>Versus</b></i>	
1. Smt. Akkatai Sopan Hadgire & Ors.	...Defendants.

Advocate Shri. S. M. Salunkhe for the plaintiff.  
AGP Shri. N. B. Bamane for defendant Nos.5 and 6.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 29/08/2025

**ORAL ORDER :**

This is an application filed by Ld. advocate for defendants for compliance of order passed by Court below Exh.156.

2. Perused the application and say. Heard both the side.

3. It appears from the record that the plaintiff has filed suit against the defendants for perpetual injunction. After service of writ of summons defendants appeared and filed their counter-claim at Exh.55 against the original plaintiffs for the declaration of deed of conveyance dt.04/07/2006 and agreement to sale dt.04/07/2006 are not binding on them and filed their written statement of the plaint at Exh.57. Plaintiff has filed his written statement to the counter-claim at Exh.67. Court has framed issues at Exh.58. Court has casted duty to prove issue No.1 and 2 on the plaintiff and issue Nos.3 and 4 on the defendants. Thereafter plaintiff has filed affidavit of examination in chief at P.W.1 Mahesh at Exh.60, his cross-examination is completed. Thereafter he has examined P.W.2 Mandar at Exh.80, his cross-examination is completed. Plaintiff has filed evidence closed pursis at Exh.97 and has also filed one another pursis at Exh.98 reserving his right to file rebuttal

evidence after the completion of defendants side evidence. Thereafter, on behalf of defendants Nos.1 to 4 have filed affidavit of D.W.1 Gajanan at Exh.100, his cross-examination is completed. Thereafter, defendants have examined D.W.2 Sambhaji Nikam at Exh.77, his cross-examination is completed and thereafter they have filed applications for issuance of witness summonses, which were allowed by the Court time to time. Thereafter, the plaintiff has filed affidavit of examination in chief of Jaywant Thorat at Exh.132 as P.W.2 On 24/10/2024. Thereafter, in spite of getting opportunities to the defendants they failed to take cross-examination of the plaintiff's witness therefore, Court has passed no cross order on 06/01/2025. Thereafter, on behalf of plaintiff an application below Exh.163 filed for temporary injunction against the defendants on 02/03/2025, which is rejected by this Court on 02/05/2025. Prior to that defendants have file application below Exh.147 for setting aside no cross order passed against them at Exh.132 on 06/01/2025, which is allowed by this Court on 02/05/2025. Thereafter, when the matter was pending for cross-examination of the P.W.2 at Exh.132 at that time, defendants have filed adjournment application at Exh.156 which is granted by this Court as a last chance subject to cost of Rs.750/- payable to the plaintiff's witness. Thereafter, on behalf of defendant present application is filed.

5. As per the contents of present application and argument of Ld. advocate for the defendants, the defendants are ready to comply order passed by Court on application below Exh.156. I have gone through the order passed below Exh.156, which is passed on 20/06/2025 and while passing that order adjournment was granted as last chance subject to condition to pay Rs.750/- to the witness on or before next date. Thereafter matter is kept on 04/08/2025,

05/08/2025, 06/08/2025, 07/08/2025, 28/08/2025. On 28/08/2025 on behalf of defendants present application is filed. It means that, after the lapse of 5 dates present application is filed. No satisfactory reason is given in the present application for filing present application after delay. But, from record it appears that prior to this application defendants have filed application below Exh.157 on 04/08/2025 to discard the affidavit filed by the plaintiff, which is rejected by this Court on 07/08/2025. It means that, after passing of order below Exh.156 and before filing of present application Court has disposed of application below Exh.157 by taking the say of plaintiff and after hearing both the party. Thereafter, immediately present application is filed on behalf of the defendants. As the defendants have made out case for relief in the present application, it deserves to be allowed. Hence, I proceed to pass the following order.

**ORDER**

1. Application is allowed.
2. Permission is granted to defendants to comply the order passed by this Court below Exh.156 on or before next date by directly giving cost of Rs.750/- to the witness or depositing in the Court.

Date : 29/08/2025.

[S. B. Todkar]  
Civil Judge Sr. Division, Karad.