

ORDER BELOW EXH. 85 IN REGULAR CIVIL SUIT NO. 03/2017

The present application is filed by defendants for setting aside no final argument order passed against him on 05.01.2026, below Exh.01.

02. It is contention of the defendants that if, defendants have not given an opportunity for final argument, then irreparable loss will be caused to them. On the contrary, if opportunity is given, it will be helpful to the Court to decide the matter on merit. Hence, they prayed to allow the application.

03. The plaintiff filed his say and resisted the application. It is contention of the plaintiff that the present application is false and frivolous. The reasons mentioned in the application are not legal, just and reasonable. On 27.10.2025, plaintiff has filed his written argument at Exh. 84. Thereafter, ample opportunity has given to the defendants to argue the matter, but in vain. Therefore, no argument order is passed against the defendants. It is further contention of the plaintiff that he is 88 years old person. From the beginning defendants are prolonging the matter. Therefore, present application is not tenable and liable to be reject. If the application is allowed heavy costs be imposed on the defendants.

04. Heard the Ld. Advocate for the both sides at considerable length. Perused record.

05. The plaintiff has filed present suit for partition. On 15.07.2025 defendant Nos. 1, 3 and 4 closed their evidence by

filing pursis at Exh. 83. Then, on 27.10.2025, plaintiff has filed his final written argument. Till then, defendants failed to argue the matter finally. If, the opportunity is given to the defendants to argue the matter, no any harm or loss will cause to the plaintiff. On the contrary, it will be helpful to decide the matter on merits. The record shows that matter is more than 09 years old. The satisfactory reason have not given by the defendants for not to argue the matter. Therefore, while considering present application, it is also borne in mind, the plaintiff's right of speedy trial will not be violated. Considering the application, say, right of speedy trial and nature of suit, the present application deserves to be allowed on oral warring that defendants argue the matter on next date without fail. Hence, I pass the following order :-

ORDER

The “*No final argument order*” passed against defendants is hereby set-aside.

Date : 10.02.2026
Place : Medha.

(Dr. Vikram A. Avhad)
Civil Judge Jr. Dn., Medha.