

ORDER PASSED BELOW EXHIBIT-19.

01. This application is filed by plaintiff for setting aside dismissal order. Plaintiff contended that when the matter was posted for hearing plaintiff was out of station and he was not aware about the dates. Hence, he could not be present and therefore prayed that the dismissal order be set aside.

02. Defendant resisted the said application and filed his reply at Exh.20. Defendant contended that plaintiff was absent for continues five dates and therefore the matter was posted for dismissal order. Plaintiff is not diligent enough to proceed and hence, prayed that the application be rejected.

03. Heard both the learned advocates. Perused the record. This is a suit for recovery of money of Rs.67,12,479/-. Issues were framed in the said matter on 06/07/2022 at Exh.16. Since, then the matter was posted for hearing. As plaintiff was continuously absent for five dates hence the matter was posted for dismissal. Taking into consideration the nature of the suit and in the interest of justice to decide the matter on merits finally, it is necessary to give an opportunity to plaintiff to lead evidence. But at the same time delay caused cannot be over looked. Hence, in the interest of justice I am of the opinion that the application is liable to be allowed subject to costs of Rs.500/- to be deposited to the Legal Aid. Hence, I pass the following order.

ORDER

01. Application Exh.19 is allowed subject to costs of Rs.500/- to deposited to the Legal Aid on or before next date.

(Nayomi P. Pawar)

Date : 05/01/2023

Jt. Civil Judge (Sr. Division), Washim.

CERTIFICATE

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

Court Name	: Jt. Civil Judge (S.D.), Washim, Dist.Washim.
Date	: 05.01.2023.
Order signed by the presiding officer on	: 05.01.2023.
Order uploaded on	: 06.01.2023.
Order uploaded by	: S. P. Kale (Stenographer G-III)