



ORDER PASSED BELOW EXH.120 IN R.C.S. NO.26/2010

(CNR No. MHWS02000728-2010)

Pralhad Kele & Anr. Vs. Ravi Wankhede & Ors.

1] Defendant No.1 has filed this application, praying that 'evidence closed' order dated 28/02/2024 passed against him below Exh.1 be set aside. He has stated that he could not lead his evidence as he underwent an operation of his mouth. According to him, if this application is not allowed, he will suffer irreparable loss. With this, he has prayed that this application be allowed.

2] Plaintiffs have filed their say to this application vide Exh.121. They have stated that this application is not supported by an affidavit of defendant No.1 & however, it is not supported by documentary evidence to show that defendant No.1 underwent the said operation. With this plaintiffs have prayed that this application is liable to be rejected.

3] I have heard Ld. Advocate Mr. Gawali for defendant No.1 & Ld. Advocate Mr. Chandnani for plaintiffs. I have gone through the record of the suit. It is matter of the record that two sister suits of the present suit are pending before this Court.

4] Upon perusal of the record, it is seen that 'evidence closed' order came to be passed against defendant No.1 on dated 28/02/2024. However, the present application has been filed on dated 04/09/2024. Having regard to the reason mentioned in this application & nature of the suit, I have no hindrance to hold that this application deserves to be allowed. With this, I proceed to pass the following order -

ORDER

- 1] Application Exh.120 is allowed & thereby, 'evidence closed' order dated 28/02/2024 passed below Exh.1 against defendant No.1 is set aside & accordingly, he is permitted to lead his evidence.
- 2] Parties to the suit shall take note of this order.

Washim.
Date – 29/11/2024.

(S. S. Ubale)
Civil Judge, (Sr. Div.), Washim.

C E R T I F I C A T E

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 29/11/2024
- 4) Order signed by the
presiding officer on :- 29/11/2024
- 5) Order uploaded on :- 30/11/2024