

ORDER ON EXH. 24 IN RCS.No. 66/2017

With instant application the defendant pray to set-aside no evidence order passed against him and permission to give evidence to the application under Section 9-A of C.P.C. at Exh.14. Behalf plaintiff the present application is resisted by way of filing say on front side of application. Read application and say thereon. Heard both sides.

2. According to defendant, due to unavailability of document he could not lead evidence behalf him. Therefore, no evidence order is passed below Exh.14 on 04/04/2024. As per plaintiff there is no reason to allow application and if allowed it cost be awarded to him.

3. Perused the record. The application below Exh.14 is filed under Section 9-A of C.P.C. The plaintiff filed say thereon. In spite of sufficient opportunity a defendant failed to lead evidence as well as on the same day the plaintiff submitted that, he has also no willing to lead evidence. Therefore, application is kept for argument and at this juncture plaintiff filed present application and willing to lead evidence and he sought permission to lead evidence and set aside order of no evidence.

4. For the elucidating the main dispute it is proper to give an opportunity to the defendant to lead their evidence. It help to resolve the dispute between the parties. Thus, it is necessary to defendant to lead evidence for proper adjudication of the dispute between the parties. Hence, the order.

ORDER

1. The No-evidence order dated 04/04/2024 below Exh.14 passed against the defendant is hereby set-aside.
2. The defendant is hereby permitted to lead his evidence as well as plaintiff have also opportunity thereafter to lead evidence, if any.

Date:-04/05/2024

(Sharad N. Gavali)
Jt. Civil Judge Junior Division, Risod.

CERTIFICATE

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

Name of the Stenographer : **Prashant K. More, (Grade III)**

Name of court : Jt. C.J.J.D. & J.M.F.C., Risod.

Date : 04/05/2024

Order signed by the
Presiding Officer : 04/05/2024

Order uploaded on : 04/05/2024