

IN THE COURT OF ADHOC DISTRICT JUDGE-1, YAVATMAL.

R.C.A. No.40/2015
Kavindra ..vs.. Kailash + 4.
CNR NO.MHYA010004562015.

Order passed below Exh. 13.
(Passed on 16th July 2022)

The application is for setting aside order fixing matter for dismissal and seeking permission to proceed.

2. The contention of the appellant is that the matter is fixed for dismissal order. In the past the appellant had to experience and suffer an adverse incident which caused him mental trauma. So he was unable to contact his counsel. That is why the matter could not be pursued by him. However, now he intends to follow the matter regularly. Hence, the application for relief laid ante.

3. Perusal of record goes to show that the matter has been fixed for dismissal only on previous date as per Roznama. Today alongwith instant application the appellant side has also moved other applications whereby they are seen to be taking steps to facilitate progress of matter by adopting over scrupulous approach the appellant will be deprived of his right to contest the matter on merit. It will also lead to multiplicity of litigation since he has expressed his intent to pursue the same. In view of above the application is entitled to be countenanced. Hence, I ordain as follows.

ORDER

Application is allowed.

Place:Yavatmal.
Date: 16.07.2022

(S.R. Sharma)
Adhoc District Judge-1,
Yavatmal.