

CNR : MHYA070000311990

R.C.S. No.65/1990

M/s. Mahavir Enterprises-Vs-
Pravinchand Gherwara.

ORDER BELOW EXH.1

(Passed on 15th September, 2018)

1 This suit has been pending since the year 1990. Thus this suit is very old one. This suit has been pending for the evidence of the plaintiff. From time to time I have requested to both the parties and both the advocates to conduct this trial on priority basis. Advocate Mr. Oswal is for the plaintiff whereas advocate Mr. Deshmukh is for the defendant. Both these advocates come from Yavatmal. So, for their convenience, I used to keep this suit on weekly basis. But as the plaintiff was reluctant to give evidence, I had to close evidence of the plaintiff. However, thereafter the plaintiff moved application (Exh.191) and requested to allow him to lead evidence. After hearing both the parties, said application was allowed subject to payment of costs of Rs.5,000/- which is to be credited to the Government. Accordingly, the plaintiff paid it.

2 On 24/08/2018 the plaintiff moved application (Exh.192) for amendment of the pleadings. Said application was allowed on 24/08/2018 itself. Accordingly, the plaintiff ought to have amended his pleadings in the original plaint (Exh.1). However, on 31/08/2018 (when I was on leave) the plaintiff amended copy of amendment plaint, rather amending original plaint (Exh.1). So, it is a mistake on the part of the plaintiff. The same is need to be corrected.

3 Yesterday, the defendant moved application for
consequential amendment which was allowed. Today defendant
carried out the consequential amendment.

4 I have gone through the amendment carried out. No
additional issue is need to be framed.

5 On Yesterday and today no effective work is done in this
suit. Hence, there is no progress in this suit.

6 At this juncture, advocate Mr. Oswal appeared and he
requested that he is ready to conduct the trial. But now it is 17:30
hours. In the morning session advocate Mr. Deshmukh appeared and
he submitted that he could not be available in the post-lunch session.
In post-lunch session advocate Mr. Oswal had appeared at about 15:15
hours and he submitted that after attending matter in Sessions Court
he will conduct the trial. Now the Court hours is about to sum-up.

7 I have requested advocate Mr. Oswal to keep this suit on
17th September, 2018 so that there could be effective progress in this
trial. But he requested to keep this matter only on Friday.

8 I have considered advocate Mr. Oswal's difficulty. But at
the same time, I must take into account that there must be progress in
every week. There must be effective work, effective progress in the
trial in each week. As in this week there is no effective progress, I
think it would be just, proper and reasonable to keep this suit on

Monday 17th September, 2018. I request advocate Mr. Oswal as well as the plaintiff to co-operate in the progress of this suit. I also request advocate Mr. Majhar Khan for the defendant to co-operate in the effective progress of this trial. The suit shall be fixed on 17th September, 2018.

Dt/-15/09/2018

(Ketankumar Telgaonkar)
Joint Civil Judge (Jr. Dn.),
Darwha.

ORDER BELOW EXH.1

Advocate Mr. Oswal requested to fix this case at about 15:00 hours on 17th September, 2018. Advocate Mr. Majhar Khan consented. Hence, the suit shall be tried at 15:00 hours on 17th September, 2018.

Dt/-15/09/2018

(Ketankumar Telgaonkar)
Joint Civil Judge (Jr. Dn.),
Darwha.