

R.C.S. No.85/2014
Padmawati-Vs-State & oth.

ORDER BELOW EXH.89
(Passed on 7th day of October, 2021)

1 Counsel for plaintiff moved present application for setting aside order of no say dated 26/09/2019. The counsel for defendant filed his say on the back side of the application. Heard learned counsel for both parties. After perusal of record, it appears that the counsel of defendants moved application under Order XIV Rule 5 of C.P.C. for framing additional issues on 13/09/2019 vide Exh.87. On that application despite of granting sufficient time, counsel for plaintiff did not file his say and therefore the then Court passed order to proceed without reply on 26/09/2019. Since then application was pending for hearing on Exh.87. On 02/09/2021 counsel for plaintiff moved present application alongwith reply on Exh.87, which is kept for say of defendant. Today counsel for defendants filed his say. He submitted that counsel for plaintiff filed present application after two years and therefore matter is prolonged. If application allowed, saddle costs upon the plaintiff. Considering the stage of the case, it will be fair to decide application at Exh.87 on merit after accepting reply of plaintiff on Exh.87. At the same time, it is clear that counsel for plaintiff has taken so long period for filing reply therefore it will be just and proper to saddle costs upon the plaintiff.

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Hence application stands allowed.

Order dated 26/09/2019 is hereby set aside subject to
costs of Rs.200/- (Two Hundred).

Dt/-07/10/2021

(Smt. V. R. Jambhule)
Joint Civil Judge (Sr. Dn.),
Darwha.