



ORDER BELOW EX.29

The present application is filed by the plaintiff for setting aside evidence discard order passed below Ex. 28 on 04/12/2025. The defendant filed say overleaf of the application and contended that, no justiciable reason mentioned in the application. This application is moved to delay the trial. Prayed to reject application. Heard learned advocates for both the sides.

2. Perused record. It is submitted by plaintiff that, due to cold, cough and fever i.e. viral infection plaintiff did not appear in the court. In the interest of justice it is necessary to set aside said evidence discard Order. If permission not granted then, irreparable loss may be cause. In the interest of justice application please be allow.

3. Defendant contended that, application is moved to delay the trail. Sufficient opportunity was given to the plaintiff to lead the evidence. Since last 2 years matter was pending for evidence of the plaintiff. No evidence filed to support this application. Hence application may please reject with cost of Rs. 5,000/-.

4. Heard learned advocate Mr. R.I. Mundhe for plaintiff. He submitted that, in the interest of justice application may please be allow. On the other hand learned advocate for defendant did not turn up to argue on this application.

5. Considering the submissions and documents on record in order to decide the suit on merits, it is necessary to set aside evidence discard Order. To avoid multiplicity of the proceeding it is necessary that, plaintiff needs to be permitted as a last chance to lead the evidence.

Thus, the application deserves to be allowed. At the same time it is necessary to impose cost on plaintiff so as she shall give importance to the time of court proceeding. In the result, I pass the following order -

ORDER

1.	The application below exh. 29 is allowed.
2.	Evidence discard Order passed on 04/12/2025 below exh. 28 against plaintiff is hereby set aside, subject to cost of Rs. 400/- to be paid by plaintiff to defendants.

Place: Arni
Date: 09/04/2026

(Vishal Shravan Dhondage)
Civil Judge Junior Division