

ORDER BELOW APPLICATION EXH.121(Date: 14th November 2025)

This application is moved by the plaintiffs for setting aside evidence closed order passed against her on 22.09.2025, below Exh.1.

2. Read the application and say given overleaf by the defendants. Heard learned advocate for both the parties.

3. Learned advocate for the plaintiffs submitted that, the plaintiff is old age lady, hence due to ill health and old age she failed to attend the matter on some dates. The plaintiffs wanted to lead evidence of their second witness. But, due to ill health the plaintiffs could not produce their another witness on the date fixed for their evidence. Hence, this Court closed the evidence of the plaintiffs vide passing order below Exh.1 on 22.09.2025. It is further submitted that if the plaintiffs are not permitted to lead evidence of their another witness, it may cause great injustice and prejudice to them. Hence, they have moved the instant application.

4. On the other hand, Ld. Advocate for the defendants strongly resisted the application on the count that, the application is mere an attempt to cause delay in the proceedings. Hence, prayed for rejection of this application with heavy costs.

5. Perused the record and proceeding. On perusal of record, it appears that, the plaintiffs sought adjournment for more than three consecutive dates, fixed for their evidence. Therefore, this Court passed an appropriate order below Exh.1 and closed the evidence of the plaintiffs on 22.09.2025. Thereafter, the matter kept for evidence of the defendants. The matter is more than 13 years old and the parties are expected to expedite the trial and proceedings. But, on the part of the

plaintiffs unnecessary delay is being caused in the proceedings and trial. But, in order to meet the ends of justice imposing certain cost on the plaintiffs will suffice the purpose. Hence, following order :

ORDER

1. The instant application is allowed subject to cost of Rs.500/- for causing delay in the proceedings.
2. After payment of cost, the order dated 22.09.2025 passed below Exh.1 will be set aside. The plaintiffs to comply the said order on or before next date, without fail.
3. Both the parties are directed to expedite the trial and proceedings.

Place : Chandrapur
Date : 14/11/2025

(Smt. S. G. Meshram)
3rd Jt. Civil Judge Jr.Dn.
Chandrapur.