



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 WRIT PETITION NO. 3849 OF 2023

KALYAN BHALCHANDRA WANI AND OTHERS

VERSUS

UDDHAV KESHAV WANI AND OTHERS

...

Ms. Janabai S. Aute – Advocate for Petitioners

Mr. V.B. Anjanwatikar – Advocate for Respondents

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CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 10.12.2025

PER COURT :

1. Heard learned Counsel for the respective parties.
2. By way of this petition, the petitioners challenge the order dated 10.11.2022 passed below Exhibit 46 by the learned Joint Civil Judge, Junior Division, Beed, in Regular Civil Suit No.196/2015, whereby the application for setting aside the order of closure of evidence of the plaintiffs and seeking permission to lead evidence came to be rejected.
3. Learned Counsel for the petitioners submits that due to unavoidable circumstances, on the relevant date, the petitioners could not lead evidence. He further submits that in the interest of justice, for deciding the matter on merit, one more opportunity deserves to be granted to the petitioners to lead evidence.
4. Per contra, learned Counsel for the respondents opposes the relief sought by the petitioners.

5. I have gone through the order under challenge passed by the learned Trial Court. It is evident that sufficient opportunities were granted to the plaintiffs to lead evidence but for one or other reasons, the plaintiffs failed. The application for setting aside the order closing evidence and for permission to lead evidence came to be rejected considering the earlier conduct of the plaintiffs.

6. However, considering the facts of the case, to decide the matter on merit, I deem it appropriate to grant one more opportunity to the petitioners to lead evidence, subject to payment of costs of Rs.10,000/- (rupees Ten Thousands only).

7. In view thereof, the Writ Petition is allowed. The order dated 10.11.2022 passed below Exhibit 46 by the learned Joint Civil Judge, Junior Division, Beed, in Regular Civil Suit No.196/2015 is quashed and set aside, subject to payment of costs of Rs.10,000/- (rupees Ten Thousands only), to be deposited with the Advocates Bar Association, Bombay High Court Bench at Aurangabad by the petitioners.

8. Both the learned Counsel appearing for the respective parties submit that the suit is of the year 2015. In view of the same, the learned Trial Court is directed to decide the same within a period of one (1) year from today.

[SIDDHESHWAR S. THOMBRE]
JUDGE