

MHNS020049732022	Special Civil Suit No.841/2022
	Chandrasekhar Shivajirao Pawar Vs. Balkrishna @ Balasaheb Sayajirao Thombare

Order Below Exh.38

1. The present application is filed by defendants for calling Record and Proceedings in Summary Criminal Case No.7520/2007, 8485/2007 and 4785/2007. It is contended in the application that the said proceedings are decided and in the said proceedings the plaintiff was cross-examined. The appeal was also decided by the Hon'ble 7th Addl. District and Sessions Court, Nashik in Appeal Nos.24,25 and 26 of 2015 respectively on 12/11/2019. In the said proceedings respective cheque amount alongwith interest was paid by defendant. The said record and proceeding to the regarding the said information are necessary in the present proceeding. Hence, defendant prayed for calling Record and Proceedings for perusal in the present matter.

2. Per contra, the application is strongly resisted by the plaintiff on the ground that on 10/09/2024 the plaintiff has filed original documents on record. Suit is pending for cross-examination and already sufficient time is granted for taking cross-examination. Only to delay the proceeding the present application is filed which is not legal. Hence, prayed for rejection of the application.

3. Heard both counsels of respective parties.

4. By way of application, defendant prayed for calling Record & Proceedings for the perusal of cross-examination and till then,

keeping matter stayed. Record shows that by way of present application, defendant want to call Record & Proceedings in the Appeal Nos.24,25 and 26 of 2015. The original documents related to the file are filed on record by the plaintiff. These are the old matters and it will take time to bring these cases i.e. Record & Proceedings from the concern Court. However, if any document is required by the defendant, he can filed certified copy for cross-examination and there is no need for calling Record & Proceedings. Therefore, application deserves to be rejected. Hence, following order is passed -

- **ORDER** -

Application stands rejected.

Date : 02/08/2025

(Nadeem A. Patel)
9th Jt. Civil Judge, Senior Division
Nashik.