

The plaintiff counsel
submits I.A.No.XI may be
allowed on cost.

Heard, the counsel.

ORDER ON I.A.No.XI

The present application filed by the defendant U/Sec. 16
Rule 1 R/w Sec.151 of CPC seeking direction from this court
calling upon the witnesses mentioned in the application to give

evidence in the interest of justice and equity.

2. It is the contention of the defendant that the present suit is for the relief of partition and separate possession and these defendants denied the entire contention of the plaintiff. Hence, to prove the defence taken by the defendants it is necessary to examine these two witnesses. Hence, the present application has been filed and prayed to allow the application.

3. Plaintiff counsel submits I.A.No.XI may be allowed on cost.

4. Heard the counsel.

5. The following points arise for my consideration:

P O I N T S

1) Whether defendant has made out sufficient grounds to allow the application?

2) What Order?

6. My finding to the above points are as follows:

*Point No.1 : In the **Affirmative**.*

Point No.2 : As per final order for the following:

R E A S O N S

7. **Point No.1** :- Admittedly, the present suit is for the relief of partition and separate possession in respect of the suit schedule property. The defendants totally denied the relationship between the plaintiff and defendants. Further the plaintiff evidence was already completed and defendant also completed his evidence. In support of the contentions raised by the defendants, he want to examine two witnesses. Hence, the defendants made out grounds to allow the application.

Hence, I am of the opinion that summoning the witnesses as per the application deserves to be allowed. Accordingly, I answer Point No.1 in the ***Affirmative***.

8. **Point No.2:-** For the forgoing reasons, discussion made and answered given to Point No.1, I proceed to pass following:-

O R D E R

I.A.No.XI filed by the defendant is hereby allowed.

Office is hereby directed to issue witnesses summons if copies and PF furnished by the defendants.

Call on 23.04.2025.

(RAJU K SHEDBALKAR)
Prl. Civil Judge & JMFC.,
Soraba.