

**Order below Exh.171 in RCS No.112/2018**

By this application defendant No.13 has requested for granting permission to examine defendant No.1 on her behalf to prove the fact regarding the execution of sale deed dated 03/04/1978 registered at Sr.No.209/1978 by him in her favour. Plaintiffs and defendant No.1 have raised strong objections on several grounds. Perused application and say. Heard both the sides. Record shows that plaintiffs have filed this suit for partition, separate possession and perpetual injunction. Defendant Nos.1, 11 and 12 have filed their WS at **Exh.53** and other defendants have also contested the suit by filing their WS. Issues are framed at **Exh.81** on 17/11/2022.

2. Record further shows that plaintiffs have examined plaintiff No.1 at **Exh.82** and closed their evidence *vide* pursis at **Exh.108** on 23/06/2023. Defendant Nos.1, 11 and 12 have examined defendant No.1 at **Exh.114** and his cross-examination was conducted by co-defendants as well as by plaintiffs. During the course of his cross-examination, defendant No.13 have an opportunity to prove the alleged fact mentioned in the application for which she is now calling defendant No.1 as her witness. Defendant No.13 has lost the said opportunity and as per the provisions of Civil Manual the practice to call party as witness has to be deprecated. Had the suit being proceeded ex-parte against defendant No.1 then the situation would have been different. For these reasons, I find no justifiable reason to permit defendant No.13 to examine defendant No.1 as her witness. In the result, I pass following order:-

**ORDER**

1. Application is rejected.
2. No order as to costs.

Date : 28/10/2025

(Ashish B. Marlecha)  
Civil Judge Senior Division,  
Shrirampur, Dist. A.Nagar.