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| MHAH080001452014  | <u>ORDER BELOW EXH-01 IN R.C.S NO. 199</u> <u>OF 1995.</u> (Laxman Rabhaji Wagh Vs. Rangnath Rabhaji Wagh and Ors.) |
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(Passed on 20/11/2025)

This suit is filed by plaintiff for partition, declaration and injunction. The suit is 30 years old. As per repeated direction of Hon'ble Supreme Court and Hon'ble High Court, it is necessary to expedite proceedings more than 30 years old. Accordingly, circular is issued by Hon'ble District Court, Ahmednagar vide O/No. TD/12087/2025 dated 18/11/2025 with directions to proceed with all 30 years old matters on day to day basis. Therefore, all the plaintiff and defendants to take note that, this suit will proceed on day to day basis by keeping it on daily board.

02. The suit was adjourned for order on Exh.320 today. The application Exh.320 is decided. Before amendment by plaintiff, the suit was fixed for further cross-examination of DW No. 01. Considering amended issues after amendment, the burden is on defendant No. 3 with respect to all amended issues. Therefore, considering material on record there is no further amended issues for which plaintiff needs to lead evidence. Most importantly, the suit has been remand back vide order in RCA No. 17/2002 for trial with respect issue of Will and LR's of defendant No.4. After the suit was remand back, the plaintiff has lead its evidence and evidence of plaintiff is closed on 04/08/2014 vide evidence closed pursis Exh.140. Thereafter defendant 1C and 1D closed their evidence by

evidence close pursis at Exh.141. Defendant No. 2 and 3 closed their evidence by evidence closed pursis at Exh.142. Thereafter, defendant No. 4B (DW No.1) filed his evidence affidavit at Exh. 143. The cross-examination of this witness was continued and deferred from time to time till 20/07/2016 and it is still deferred for further cross-examination.

03. Meanwhile, number of applications for bringing on record legal representatives of deceased parties as well as amendment in plaint and other similar applications were moved and adjudicated. Now, there is no application pending for adjudication. Hence, now the suit is again fixed for cross-examination of DW No. 01. Hence, DW No. 01 Deepak Babasaheb Wagh is directed to remain present to remain present tomorrow on 21/11/2025 for cross-examination without fail. Further, the plaintiff is also directed to remain present in person or through advocate, tomorrow on 21/11/2025 for conducting cross-examination of witness DW No. 01 without fail. In default by either parties further necessary order will be passed.

Place : Sangamner.
Date : 20/11/2025.

(Smt. S. B. Dhawale)
Jt. Civil Judge Jr. Division,
Sangamner, Dist. Ahmednagar.