

ORDER BELOW EXH.38

(Passed on 20-06-2025)

This is an application filed by the non-applicants/objectors for getting permission to file their written statement-cum-objection to the main application filed by the applicants under Section 2 & 3 of Bombay Regulation Act, 1827 for obtaining legal heirship certificate in respect of deceased Vitthal Pandhari Hage.

2. In this application it is contended by the non-applicants/objectors that, earlier this matter was kept for passing dismissal order in default of applicants, therefore, non-applicants/objectors did not take its follow up. On last date of this matter non-applicants/objectors had visited this court in another matter at that time they came to know that this matter is for the stage of final argument. Therefore, non-applicants/objectors have filed this application for filing their written statement cum objection to this matter. In the interest of justice this application be allowed and non-applicants/objectors be allowed to file their written statement cum objection and they also be allowed to conduct the cross-examination of applicant no.1 below Exh.24.

3. The applicants have strongly resisted this application by filing their say on the overleaf of this application. They have contended that, non-applicants/objectors have already filed their written statement cum objection at Exh.10 and the present matter is fixed for final argument. Even the applicants have completed their final argument. In such circumstances this application is not tenable, so it be rejected with costs.

4. Heard respective Ld. Advocates of both sides at length. On going through the overall record it is very clear that the written statement cum objection of present objectors is already on record at Exh.10. Therefore, at this belated stage they cannot be allowed to file their further written statement cum objection. But considering the contents of this application and overall record and submissions it appears that for just and proper decision of this matter non-applicants/objectors need to be allowed to conduct the cross-examination of applicant no.1 below Exh.24. While allowing the non-applicants/objectors for conducting the cross-examination of applicant no.1 adequate costs needs to be imposed on non-applicants/objectors. Hence, I pass the following order.

ORDER

The application Exh.38 is partly allowed as under :

- i. The non-applicants/objectors are hereby allowed to conduct the cross-examination of applicant no.1 subject to condition that they shall pay the costs of Rs. 1,000/- (Rs. One Thousand only) to the applicants on or before next date of this matter.
- ii. After the compliance of above mentioned direction the non-applicants/objectors are allowed to conduct the cross-examination of applicant no.1. On next date of this matter if the non-applicants/objectors will further fail to conduct the cross-examination of applicant no.1 then no further opportunity would be granted to them at any costs.

Date : 20/06/2025.

(**Mahesh S. Kale**)
Civil Judge (Sr. Dn.),
Akot.