

MHAU050027362018



Spl.C.S. No.33/2018

Rekhabai & others

Vs.

Rajendra & others.

ORDER BELOW EXH.137

[Passed on : 25.03.2026]

Defendant no.14 has filed instant application for taking their objection on record.

2. According to defendant no.14, during cross-examination, ld. Adv. for the plaintiffs asked question to defendant no.14 that as to whether even after existence of T.I. order of Court, he purchased suit property on the name of his wife? According to defendant no.14, said question is not relevant in this matter. The plaintiffs have not pleaded about it nor defendant no.14 got sale-deed executed on his name; therefore objection raised by their advocate in that regard must be taken on record. With this, defendant no.14 has prayed to allow his application and take objection of his ld. Adv. on record.

3. The plaintiffs have contested application and asserted that application is not maintainable. It is not supported by affidavit or verification. It is nowhere mentioned that as per which provision of Evidence Act, application is moved. It is further contended that defendant no.14 is *Karta* of his family and he was conversant about transaction of his family. Ld. Adv. for the plaintiffs did not ask any irrelevant question; therefore question of taking objection on record does not arise. Lastly, the plaintiffs urged to reject application.

4. I have given careful consideration to submissions canvassed by ld. Adv. of both parties and also perused record, application and say filed thereon.

5. On perusal and consideration of record, it is seen that last question noted on Exh.130 was asked by ld. Adv. for the plaintiffs to defendant no.14. His cross-examination itself *ex-facie* shows that said question was relevant and relates to fact in issue. It is apparent that objection raised by ld. Adv. for defendant no.14 was baseless and irrelevant; therefore it was not taken on record. Objections can not be taken on record as per will or desire of advocate of particular party. It seems that application was moved with sole intention to seek adjournment or to protract trial or hearing of this matter. Upon scrutiny and consideration, I do not find it just and proper to take objection on record. Consequently, application fails and it is liable to be rejected. In the result, I pass following order:

ORDER

Application (Exh.137) is rejected.
(*Dictated in open Court*).

Date:- 25.03.2026.

(A. B. Shaikh)
Civil Judge Senior Division,
Vaijapur.