

MHAU130000132009



R.C.S./1400147/2010

**Kusum Sirish Jaikar Vs. Municipal Corporation, Aurangabad**

**ORDER BELOW EXH.164**

1. By this application, the plaintiff prayed to permit her husband to adduce evidence for of on her behalf. Read the application and reply of defendant corporation. Heard Ld. Advocates for the rival parties.

2. Ld. Advocate for plaintiff submitted that, as per section 120 of the Indian Evidence Act, husband of plaintiff is competent witness to depose not only the facts within his knowledge but also within the knowledge of plaintiff. Therefore, it is necessary to permit plaintiff to examine her husband treating his evidence as that of plaintiff in support of his contention, he replied upon the Judgment of Hon'ble Kerala High Court dated 18.06.2024 in IA No.3/2023 in OS No.106 of 2010, *Smitha Vallil Chandrasekharan Vs. Anil Kumar Ambujakshi Amma*.

3. The judgment cited by Ld. Advocate for the plaintiff is direct authority on the point for determination in this application. Hon'ble Kerala High Court has laid down, while interpreting the provisions of Section 120 that such a witness is entitled to depose not only the facts within his / her knowledge but also within the knowledge of his / her spouse. The light of his legal position the plaintiff is entitled to examine her husband in her place and the application needs to be allowed. Hence, I pass following order:-

**ORDER**

1. Application stands allowed.
2. The plaintiff is permitted to examine her husband treating his evidence as that of plaintiff.

Date :- 22.01.2025  
Place :- Aurangabad.

(Shri. N.H. Tikhe)  
Civil Judge Senior Division  
(Corporation Court), Aurangabad.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: S.V.Shinde,
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 22.01.2025
Order signed by the presiding officer on	: 22.01.2025
Order uploaded on	: 22.01.2025