

MHAU130000532021



R.C.S./27/2021

Muktanand Housing Society Vs. Umesh Bhagwan Pawar

ORDER BELOW EXH. 53

1. Present application is made by the defendant corporation for setting aside no cross order dated 12.11.2024 passed below Exh.43. Read the application and reply of plaintiff society. Heard Ld. Advocates for the rival parties.
2. Ld. Advocate for the defendant corporation submitted that he was busy in argument and cross-examination in another court on the appointed date. Therefore, he could not remain present for cross-examination of the witness of plaintiff society. It resulted in passing no cross-examination order against the defendant corporation. No prejudice will be caused to the plaintiff society if the defendant corporation is allowed to cross-examine its witness by setting aside no cross-examination order.
3. Ld. Advocate for the plaintiff society argued that present application is not made promptly by the defendant corporation. Therefore, it needs to be rejected.
4. It is a matter of record that, no cross-examination order was passed below Exh.43 on 12.11.2024 against the defendant corporation. Present application is not made on the next date by it. In spite of it, it is necessary to grant one more opportunity to defendant corporation to cross-examine the witness of plaintiff society. Hence, I pass the following order.

ORDER

1. Application stands allowed.
2. No cross order passed below Exh.43 is set aside.

Date :- 05.02.2025
Place :- Aurangabad.

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

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R.C.S./27/2021

Muktanand Housing Society Vs. Umesh Bhagwan Pawar

ORDER BELOW EXH. 51

1. By this application the plaintiff society prayed to issue summons to produce documents. Read the application and reply of defendant corporation. Heard Ld. Advocates for the rival parties.
2. It is seen that the controversy between the party revolves around the existence of open space reserved in a sanctioned lay out. The documents sought to be summoned by plaintiff society is a letter issued by Assistant Director of Town Planning, Municipal Corporation Aurangabad to the Superintendent of Land Record along with layout sanction order and map. It appears that said documents are relevant and necessary for determining controversy involved in the suit. Hence, I pass the following order.

ORDER

1. Application stands allowed.
2. Issue summons to produce document as prayed to the District Superintendent of Land Record, Damadi Mahal, besides Panchayat Samiti, Chhatrapati Sambhajinagar.

Date :- 05.02.2025
Place :- Aurangabad.

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

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R.C.S./27/2021

Muktanand Housing Society Vs. Umesh Bhagwan Pawar

ORDER BELOW EXH. 52

1. By this application the plaintiff society prayed to issue summons to produce documents and for giving evidence to the witnesses named in the application. Read the application and reply of defendant corporation. Heard Ld. Advocates for the rival parties.
2. It is seen that the controversy between the party revolves around the existence of open space reserved in a sanctioned lay out. The documents sought to be summoned by plaintiff society are letters pertaining to sanction of layout and the measurement of said property. It appears that the evidence of proposed witnesses and production of said documents are relevant and necessary for determining controversy involved in the suit. Hence, I pass the following order.

ORDER

1. Application stands allowed.
2. Issue summons to the witnesses for giving evidence and for production of documents as prayed on payment of Bhatta.

Date :- 05.02.2025
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	: 05.02.2025.
Order signed by the presiding officer on	: 05.02.2025.
Order uploaded on	: 05.02.2025.