



R.C.S.No.60/2018

Samina Bagum Vs. Municipal Corporation, Aurangabad

ORDER BELOW EXH.72

1. By this application the plaintiffs prayed to issue summons to witnesses. Read the application and reply of defendant corporation. Heard Ld. Advocates for the rival parties.
2. Ld. Advocate for plaintiffs submitted that, the plaintiffs have applied for regularization of the construction over suit property and the defendant corporation has accepted their proposal. They have also deposited an amount with the defendant corporation as per challan issued by it. Moreover, the persons who had seen the construction in question before the year 1982 are alive and their evidence is necessary for adjudication of the dispute involved in the suit. Therefore, it is necessary to call concerned officer of defendant corporation and the persons who had seen said construction before the year 1982 as witnesses.
3. Ld. Advocate for defendant corporation argued that, the evidence of proposed witnesses is not necessary for decision of this suit. The plaintiffs have not filed the list of witness. Present application is made by them for prolonging the trial. Therefore, it is necessary to reject the application.
4. It is seen that, the proposed witnesses are an officer of defendant corporation and the persons who, according to plaintiffs, have seen

the construction in question before the year 1982. The fact in issue before this court is that, whether defendant corporation has obstructed peaceful possession of plaintiffs over suit property by issuance of notice dated 16.08.2018 alleging unauthorized construction. The defendant is a Municipal Corporation whose duty is to remove unauthorized construction. The proposed witness is its officer who is assigned with the duty to regularize unauthorized construction. The two other proposed witnesses are the persons who has allegedly seen the existence of said construction before the year 1982. In such circumstances, evidence of the proposed witnesses is necessary for determining controversy between the parties. Therefore, the application needs to be allowed. Hence, I pass the following order :

ORDER

1. Application stands allowed.
2. Issue summons to the witnesses named in this application on payment of *Bhatta* by the plaintiffs.

Date :-17.03.2026.

(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	: Vilas K. Chavan, Stenographer Grade-II
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 17.03.2026.
Order signed by the presiding officer on	: 17.03.2026.
Order uploaded on	: 17.03.2026.