



ORDER BELOW EXH.73

This is an application filed on behalf of the plaintiff with seeking prayer to adjourn the suit for recording examination in chief of their witness i.e. Mr. Mahesh Mohan Dharmadhikari, Planning Assistant of Municipal Council, Majalgaon.

2. The plaintiffs submit that, deceased plaintiff was submitted some important documents and application regarding subject matter of the suit with the office of Municipal Council, Majalgaon. Those documents are not forthcoming in the office file of said local body, which brought by said witness as asked in witness summons issued to it. The plaintiff is hospitalized and under medical treatment. Thus, he is not able to remain present before the Court. As such, the plaintiff side is not able to take oral evidence of said witness. The plaintiff is only person to compare said office file of local body to ascertain aforesaid fact. Hence, they have urged to allow application.

3. The defendant has opposed application by filing say on leaflet itself through his learned advocate. He submits that, similar application filed on behalf of the plaintiff came to be rejected by this Court today itself vide Exh.70. The said witness is present with necessary documents. The plaintiff cannot use public documents as per his whistle. Hence, the application is filed with view to prolong the matter. Therefore, he urged to reject application.

4. The aforesaid witness is also filed say on leaflet itself. He submits that, he has bring the concerned office file and necessary documents as referred in suit summons and ready to tender oral evidence.

5. Heard, the learned advocate Mr. D. L. Deshmukh, for the plaintiff and Mr. V. B. Kadam, for the defendant, at length. They have argued almost all the facts, which are pleaded by their respective parties, as mentioned supra.

6. Perused application, say and record of the case, minutely. It is matter of record, the said witness through local body was asked to bring its office documents like construction permission, sanctioned construction map, certificate, estimate and other documents alongwith original official file with reference to Municipal Council Property No.21/131 as referred inailable warrant issued on 07/04/2026. The said witness has also orally submitted in answer to query made by the Court that, he has brought original official file containing all such office documents with reference to said property as indicated inailable warrant. He is present before the Court since morning Sessions.

7. It is significant to note that, the plaintiffs have not given details of documents or correspondence alleged to have made either on their behalf or on behalf of deceased sole plaintiff. The case about 10 yeas old. As per roznama, the case is fixed for plaintiffs' evidence since last more than five years. It is matter of record, evidence of plaintiff Dr. Sushil Lodha (Pw) has

been recorded vide Exh.34 on 26.10.2018. In absence of details about those documents or correspondence alleged to have made on behalf of the plaintiffs, the matter cannot be adjourned specifically when said witness is present alongwith official record for tendering evidence. The application is vague. The similar application filed on behalf of the plaintiff came to be rejected on today vide Exh.70. Even otherwise, the learned advocate for the plaintiffs must have acquainted with the nature of alleged such documents, but he also failed to give details thereof in answer to query made by the Court. Therefore, I do not find substance in the application.

8. In view of foregoing discussion, the application is liable to be rejected with exemplary costs. In the result, I pass following order.

ORDER

Application (Exh.73) is rejected with costs of Rs.500/- payable to Legal Aid.

Date :- 24/04/2026. (S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.

CERTIFICATE

The contents of above order is/are word to word same and found correct in this pdf.

Dictated on : 24/04/2026.

Typed on : 24/04/2026.

uploaded on : 24/04/2026. Sd/-

(H.B.Suryawanshi)

Steno-Gr.II

C.J.S.D.Majalgaon.