

MHCO100000222008 	C.C. No. 1507/2008 The Miraj Urban Co-operative Bank Ltd., Miraj Vs. Shivappa Dharmu Karande & Ors.
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Order below Exh. 211

1. Perused application and its reply at Exh. 212. Through this application the Opponent No. 1/2, 1/3 & 2 to 4 prayed to recall the Witness No. 2 examined by the Disputant at Exh. 95 for his cross-examination again and to issue witness summons to Shri. Sunil Narhari Khade.

In short contentions of the applicants that :

2. They have examined the ex-officer of Disputant bank as their witness who was CEO of the Disputant Bank at the relevant time of the disputed loan transaction. During the evidence of this witness, he has clearly denied the signatures near a portion which is written by ink on the loan sanction letter. He has clearly denied signature near the erased and / or the matter written in ink. He has admitted his signature below Exh. 96. Whereas the witness examined by the bank to prove Exh. 96 specifically mentioned that, Shri. Ashok Balkrushna Tawase the then CEO has signed on Exh. 96. In such circumstances there is ambiguity and controversy in both the witness who is working and has worked in the Disputant Bank. In such circumstances it is necessary to again cross-examine witness of Disputant Shri. Sunil Khade in respect of Exh. 96. If the witness is called again it will not cause any prejudice to the interest of Disputant. Hence, they prayed to allow their application whereas

the bank in their reply objected this application on the ground of delay. On Exh. 96 the opponents have right to argue, for that purpose it is not necessary to call back the witness examined by bank. They have no such right. Therefore, they prayed to reject the application.

3. After hearing arguments, I have gone through evidence of Shri. Sunil Khade as well as Shri. Ashok Tawase. In the evidence Shri. Sunil Khade he has specifically stated that, the signatures appeared on Exh. 96 are of Shri. Ashok Balkrushna Tawase whereas Shri. Tawase who is examined by opponents denied the other signatures except signature below Exh. 96. He further denied specifically the matter or condition added in ink and signature put near the new condition. In such circumstances through evidence of Shri. Sunil Khade there is no clarity about the new condition added in Exh. 96 and the signatures near this condition. Therefore, if permission is granted to cross-examine Shri. Sunil Khade on the point of Exh. 96 only, it will certainly not cause any injustice to the Disputant Bank rather it will throw certain light in respect of the Exh. 96 which is one of the important document in the disputed loan transaction. Therefore, permission is granted to the present applicants to cross-examine Shri. Sunil Narahari Khade only to the extent of Exh. 96. Thus, the application is allowed and I inclined to pass the following order:-

Order

1. Issue witness summons to Shri. Sunil Narahari Khade as prayed for his cross-examination to the

extent of Exh. 96 only.

2. Accordingly, application is disposed off.

Sangli
Date: 03/08/2026

(Smt. A. J. Patil)
Judge,
Co. Op. Court No. 2, Sangli
