


MHJN020005162014 	SPL.C.S.No.41/2014 Bharat-Vs-Manish & Ors
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ORDER BELOW EXH.142

(Passed on dated 14.08.2025)

1. Plaintiff has filed present application to record the evidence of the witness namely Ashok Jethmal Saraswat,R/o Chaudhari Nagar,Mantha Road,Jalna.

2. Plaintiff submits that,he has filed the suit for specific performance of contract and perpetual injunction against the defendants. In the present suit, the evidence of witnesses has been recorded by the plaintiff. But the witness nemely Ashok Jethmal Saraswat,who is the witness on the Isar-Pawati in the suit, was summoned as a witness. But the said witness could not appear in the court due to illness. The said witness is unable to appear in the court as a witness due to illness and difficulty in walking. However, it is very important to record the testimony of the said witness in this suit. The plaintiff is ready to pay the fees for the appointment of Mr. Javed Shaikh as a Court Commissioner to record the testimony of the said witness. Hence, this application.

3. Defendant no.7 strongly objected on the ground that,this application is not tenable due to non filing of medical certificate. The application does not mention the ailment of the said witness. The appointment of a Court Commissioner cannot be made merely on the ground that, the witness does not appear after issuing a summons by the plaintiff. Therefore, the present application may be dismissed.

4. Perused application and say.

5. Heard.

6. Considering the application of plaintiff,it would be proper to grant opportunity to him to recording evidence of the witness namely Ashok Jethmal Saraswat by Court Commissioner. To meet the ends of justice, it will proper to allow the present application.

Accordingly, order follows :

ORDER

1	Application vide Exh.142 is hereby allowed.
2	The Court commissioner advocate Shri Javed Shaikh is directed to record the evidence of the witness two weeks from the date of this order.
3	The learned advocates of the plaintiff,defendants and Court Commissioner shall take note of this order.
4	Shri V.E.Dahibhate,Junior clerk is directed to attend the commission work and to carry the record and proceeding of Spl.C.S.no.41/2014 during the recording the evidence of witness on the date fixed.

5	The Court commissioner is directed to submit the report after completion of work immediately after the completion of period of two weeks as granted above i.e. on or before 19.08.2025.
6	Plaintiff to pay Court Commissioner's fees as per rule at Civil Court (Sr.Divn.),Jalna.

Date:-14.08.2025

(Dilip S. Thorat)
Civil Judge (Sr.Divn.)
Jalna

CERTIFICATE

I am stated that the contents of this PDF file are word to word as per original Order.

Name of Steno : Shirish D. Deshmukh.
Name of Court : Civil Judge(Sr.Divn.),Jalna
Date of PDF : 14.08.2025.

Steno(M.)