

MHKO050012112010 	Mohan Dharma Kamble Vs. Parisa Narsappa Ligade RCS No. 225/2010
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ORDER BELOW EXH.126

The present application has been made by the plaintiff praying that the Court commissioner appointed vide order below Exh.34 be called as witness in the present suit. The defendant filed his say at Exh.127.

2. Perused the application and say filed to it. Heard Ld. Advocates for both the parties.

3. Ld. Advocate for the plaintiff submitted that the Court has appointed Court Commissioner in the present suit vide order below Exh.34. Accordingly the Court Commissioner submitted his report at Exh.55. However, the plaintiff feels that evidence of the Court Commissioner be recorded before the Court as plaintiff's witness. Hence, prayed that the application be allowed and the Court Commissioner be summoned with direction to bring necessary documents with him on next fixed date.

4. As against this, Ld. Advocate for defendant opposed the application and submitted that the report submitted by Court Commissioner at Exh.55 is not accepted to him and the Court Commissioner may not be required as a witness in the present suit. Hence, prayed that the application be rejected with cost.

5. Considering the submissions made, it appears that examining the Court Commission as a witness may not be prejudicial to the defendant. If such witness is called and examined, equal opportunity to cross-examine him will be available to the opposite side. Hence, the following order;

ORDER

1. The application at Exh.126 is allowed as prayed for.
2. The proposed witness is directed to be present on next date with relevant documents.

Date: 09/09/2025.
Place: Ichalkaranji.

Sd/-
(M.S. Gawade)
5th Jt. Civil Judge Junior Division,
Ichalkaranji.