

MHKO050014302019



Order below Exh.13 in Special Civil Suit No.26/2019

[CNR:MHKO050014302019]

Sohani Textiles

Vs.

Rohit Kumar Yalrute

The present application is filed by plaintiff for issuing witness summons to Branch Manager, State Bank of India, Branch Hatkanangale.

2. Defendant has filed say at Exh.14 and prayed that, application be rejected.

3. Perused application and say. Heard Learned Advocates of both sides.

4. On perusal of record, matter is posted for hearing on interim application for temporary injunction Exh.5. For deciding the said application, the present application is filed by plaintiff to issue witness summons to the Branch Manager, State Bank of India, Branch Hatkanangale. According to defendant, the present application is filed to collect the evidence and it is not tenable at this stage, and therefore, it be rejected with costs of Rs.1,000/-. As regards to the objection that application cannot be filed at this

stage, it must be noted that, for deciding interim application for temporary injunction Exh.5 witness summons can be issued and defendant has an opportunity to cross-examine the said witness, if found necessary. Under such circumstances, the said objection is not tenable. The other objection raised by defendant is to the effect that, by way of this application plaintiff is collecting evidence. However, said objection is also not tenable and as noted above witness summons can be issued and defendant has an opportunity to cross-examine the witness, if found necessary. Hence, under such circumstances, the present application needs to be allowed. Therefore, I proceed to pass following order -

Order

- 1) Application (Exh.13) is allowed.
- 2) Issue witness summons to Branch Manager, State Bank of India, Branch Hatkanangale, as prayed as per rules.

Date : 16-09-2019.

(Amit P. Kokare)
Civil Judge, Sr.Dn., Ichalkaranji

“I affirm that the contents of this P.D.F. file Judgment/Order are same word to word, as per the original Judgment/Order”.

Name of Stenographer	R.R. Patil
Name of Court	Shri. Amit P. Kokare, Civil Judge, Sr.Dn., Ichalkaranji
Date of Dictation	16-09-2019
Order signed by the P.O.on	16-09-2019
Order uploaded on	16-09-2019