

MHKO070007302012



REGULAR CIVIL SUIT NO. 273/2012
(Mrs. Savita Patil Vs. Smt. Vaishali Kamble & Oth.)
ORDER BELOW EXH. 01

Today, as per request of plaintiff, and vide order on Exh. 72, three independent witnesses were called for. All these three witnesses were duly served with the notice as per report as per Exh. 73. All the three witnesses are present before the Court. On making inquiry with those witnesses learned advocate for plaintiff submitted that there will be no use to examine those witnesses as they are unaware about the document for which they were called as witnesses. Accordingly, learned advocate for plaintiff submitted that the witnesses be discharged. Thereafter, the plaintiff was directed to pay the witnesses requisite bhatta whereupon he submitted that he is ready to pay as per provisions in Para 101 of Civil Manual which runs that the bhatta for the witness shall be Rs. 5/- to Rs. 10/-. However, it is seen that the said bhatta is meager only and not as per the increased inflation, increased traveling expenses, increased diet expenses etc. In such circumstances, I am of the view that the witness bhatta of Rs. 5/- to Rs. 10/- is not adequate enough, more particularly when the witnesses are naive persons to the proceeding, were called upon by using the process of the

Court and when learned advocate for plaintiff is intentionally insisting for payment of bhatta as per Civil Manual only.

02. As per the provisions of Order XVI Rule 2(1) of the Code of Civil Procedure, it is specifically directed that the party applying for a summons shall pay into the Court such a sum of money as appears to the Court to be sufficient to defray the traveling and other expenses of the person summoned in passing to and from the Court in which he is required to attend, for one day's attendance.

03. In such circumstances, it is hereby directed that the plaintiff shall deposit bhatta of Rs.200/- each for all the three witnesses in attendance failing which suitable orders will follow.

Place - Jaysingpur.
Date - 24/08/2022

(**Anand D. Karbhajan**)
Joint Civil Judge Junior Division,
Jaysingpur, Tal. Shirol, Dist. Kolhapur.