



ORDER BELOW EXH.224 IN SPECIAL CIVIL SUIT NO.27/2013.

Shri.Mahamadhussain Abdulkarim Athanikar.

V/s.

Shri.Bashir Badshaha Bagwan etc.

Defendants have moved the present application by taking recourse to Order 18 Rule 3 (A) of the Code of Civil Procedure, 1908 for examination of witness of the concerned bank as mentioned in the application before adducing their evidence contending therein that, the concerned bank i.e. Swatantrya Senani Late. Shripal Alase (Kaka) Kurundwad Urban Co-Operative Bank Ltd., Kurundwad, Branch – Kurundwad has produced account statement uptill 2013, which are at Exh.139 and 213 but, has not given further account statement from 30/10/2013, which according to defendants is necessary. As per defendants, the authorized person of the concerned bank needs to be examined before adducing their evidence.

2. Application is strongly opposed by plaintiff vide say below Exh.225 contending therein that, one authorized person of the concerned bank has been examined by plaintiff and defendants have

took his detailed cross-examination and so provisions of Order 18 Rule 3 of Code of Civil Procedure, 1908 cannot be applicable and application is liable to be rejected.

3. Heard both learned counsel for the parties. Perused record.

4. Order 18 Rule 3 (A) of the Code of Civil Procedure, 1908 sets standard sequence for witness examination and court has discretion to allow the deviations if justified. In the instant case considering the contention mentioned in the application, the application needs to be allowed. As far as grievance of plaintiff is concerned, obviously he has right to cross-examination and no prejudice will be caused to him. Consequently, following order.

ORDER

1. Application is allowed.
2. Permission granted to examine the other witness of the concerned bank before examination of defendants.

Jaysingpur.
Date : 02/04/2025.

(Y. H. S. Deshmukh)
Civil Judge Senior Division,
Jaysingpur, Dist.Kolhapur.