

MHKO070013092019



ORDER PASSED BELOW EXH. 52

1] By way of present application plaintiffs submitted that, no any relief is sought by them against defendant No.1 in Exh.5, so without hearing them (defendant No.1) Exh. 5 be decided.

2] The defendant No.1 by way of say at Exh.53 submitted that, plaintiffs have not mentioned the provision under which such relief is sought by them. According to her, plaintiffs have sought reliefs against defendant No.1 by making some allegations hence she be heard on Exh.5.

3] After hearing both sides and on perusal of record it appears that defendant No.1 has raised objection on plaintiff No. 1's alleged customary right and on her application Tahasildar Shirol has passed the order dtd. 3/6/2019 which is directly and substantially challenged by plaintiffs in Exh.5. Thus for deciding application Exh.5 on merits, an opportunity of hearing is needed to be given to defendant No.1, though no direct relief is sought by plaintiffs against her.

(Exh.52)

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4] Record further shows that, only due to her application, claiming the right of " मानाची वाटी उचलणे " in procession of diety Jogeshwari, the concern authorities have stopped the procession and empowered Gaonkamgar Talathi to take Manachi Vati, "मानाची वाटी". For above reasons, I am of the opinion that defendant No.1 is needed to be heard on Exh.5, for deciding it fully and finally. Hence, I proceed to pass following order.

ORDER

- 1) The prayer of plaintiffs is rejected.
- 2) The defendant No. 1's argument on Exh.5 are taken on record.

Date : 19/04/2022.

(B.A. Gaikwad)
Civil Judge Senior Division,
Jaysingpur.