



Saraswati Hazare & Ors.
//Vs//
Subhash Shiledar.

ORDER ON EXHIBIT NO. 132

The present application is filed by defendant praying discarding evidence of plaintiffs and dismissing of suit. Plaintiffs filed say overleaf. Perused application and say. Heard both sides.

02. As per defendant, plaintiffs have filed evidence affidavit of witness and not keeping witness present for cross-examination intentionally to harass defendant. Thus, prayed to discard evidence affidavit filed by witness of plaintiffs and dismiss the suit. Plaintiffs submitted that, defendant has not given provision under which present application is filed and they are keeping witness present for cross-examination.

03. On perusal of record it appears that, evidence affidavit of witness for plaintiffs was filed long back. However, thereafter several applications were filed by both parties such as amendments temporary injunctions, dismissal of suit for res-judicata and so on. Thus, cross-examination of witness for plaintiffs could not be recorded. Further, as per record both parties are attending the Court regularly. Thus, no grounds as mentioned under Order IX of the CPC to dismiss the suit are made out in present suit. Therefore, the suit cannot be dismissed as sought by defendant. Further, the suit is now fix for cross-examination of witness for plaintiffs and witness is present. Therefore, the application cannot be allowed. Hence, I proceed to pass following order.

-: ORDER :-

Application is rejected.

(Dictated and pronounced in open Court)

Gadhinglaj.
Date: 24/10/2024.

(S. A. Rathod)
Jt. Civil Judge, Junior Division,
Gadhinglaj.

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. D. Patil.
Name of Court	S. A. Rathod, Jt. CJJD & JMFC, Gadhinglaj.
Date of Dictation	24/10/2024
Order signed by P.O. on	24/10/2024
Order uploaded on	24/10/2024