



Ramu Dhadam.
//Vs//
Bhimrav Patil & Ors.

ORDER BELOW EXH. 121

Present application is filed by plaintiff seeking directions to issue witness summons for production of documents. Defendants filed say below Exh.122.

02. Perused the application filed by plaintiff and say filed by defendants. Heard learned advocates for both the sides. It is contended by plaintiff that, present suit is filed for demarcation of boundaries and partition. It is contended by plaintiff that, as per contentions in plaint there was proceeding between plaintiff and defendants before Tenancy Court. Documents of said proceeding are necessary at the time of cross-examination of witness for defendants. For that purpose plaintiff filed application for issuing certified copy, however till date no copies were issued. Therefore, plaintiff prayed to issue witness summons calling documents in respect of said tenancy proceeding.

03. On the other hand it is submitted for defendants that, plaintiff filed false and bogus application. Present suit is pending for cross-examination of witness of defendants and present application is filed to prolong the case. Further, there is no issue of tenancy involved in this case. Therefore, those documents sought by plaintiff are not necessary. Further, plaintiff can seek certified copies of those documents and for that purpose witness summons is not required. Therefore, prayed to reject the application.

04. Upon perusal of record it reveals that, present suit is filed for demarcating boundaries and partition on the basis of possession of parties. It is contended by plaintiff that, tenant in the suit property are in possession according to their tenancy and on that basis partition is sought

by plaintiff. On the other hand defendants denied the same. Thus, possession of parties on the basis of tenancy proceeding is facts in issue and document sought are necessary for that purpose. In order to decide the dispute finally on merit all relevant evidence is required before the Court. Further, this Court being Trial Court it is necessary to grant opportunity to both sides for leading all evidence in support of their claim. So also, in order to avoid multiplicity of proceeding permission can be given to plaintiff for production of those documents. It is contended by plaintiff that, despite filing application for certified copy, no copies were issued by concerned office till date. As per copy of application filed for certified copy before Tahasil office, Gadhinglaj, it was filed on 01/07/2024. Thus, the case being more than 16 years old it will not be appropriate to wait further for issuance of certified copy as it is not issued till date. Therefore, it is necessary to issue witness summons calling those documents from concerned office. Furthermore, if said witness summons is issued no prejudice will cause to defendants, on the other hand irreparable loss will cause to plaintiff if no such witness summons is issued. Therefore, witness summons as sought by plaintiff requires to be issued. Hence, I proceed to pass following order :-

ORDER

01. The application is allowed.
02. Issue witness summons as prayed by plaintiff
upon payment of witness bhatta.

(Dictated and pronounced in open Court)

Date:- 01/01/2025.
Gadhinglaj.

(**Sujit 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	01/01/2025
Order signed by P.O. on	01/01/2025
Order uploaded on	01/01/2025