

MHKO110007432012 	<u>Order below Ex.66 in Reg.Civil</u> <u>Suit No.323/2012</u> <u>Sanjay Aanna Parit</u> <u>Vs.</u> <u>Manik Vasant Yadav</u>
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The present application is filed by the plaintiff for issuance of witness summons to plaintiff witness No.2 i.e. Manager of Hanuman Gramin Bigar Sheti Sah. Patsanstha, Nagaon, Tal. Hatkanangale, Dist. Kolhapur. The defendant has filed his say on the overleaf of application it self and has strongly objected to it.

2. Perused the record. Heard the advocates for both sides.

3. The ld. Advocate for the plaintiff submitted that, evidence of the plaintiffs witness No.2 is filed at (Exh.54), at the time of his evidence the defendant had taken objection towards exhibition of documents filed at serial number 10 to 12 along with list at (Exh.47). The plaintiff then filed an application below Exh.64 which came to be decided on merits. As the evidence of the P.W. 2 is incomplete it is necessary to further examine him and therefore, he prayed that witness summons be issued to P.W.2 again. Hence, he prayed to allow this application.

4. The ld. Advocate for the defendants submitted that, the present application is not tenable as the

evidence of the P.W. 2 is part heard and is not complete and therefore, there is no necessity to issue witness summons to the P.W.2 again. Hence, he prayed to reject the application.

5. On perusal it prima facie appears that the present suit is filed for recovery of money. During the evidence of P.W.2 i.e. Manager of Hanuman Gramin Bigar Sheti Sah. Patsanstha, Nagaon, Tal. Hatkanangale, Dist. Kolhapur, the defendant raised objection towards the exhibition of the computer generated account extracts on the ground that compliance of the provision of section 65(B) of Indian Evidence Act is not done, hence the matter was adjourned. The plaintiff then preferred an application below (Exh.64) requesting the exhibition of documents. After considering the objection raised by the defendant the application came to be decided on merits. By way of this application, plaintiff wants to continue with the examination in chief of the P.W.2. The evidence is part heard. No prejudice will be caused to defendant if the application is allowed as every litigating party to the suit has right to cross-examine the said witness mentioned in the application. Considering the aforesaid aspects, the application deserves to be allowed.

ORDER

1. Application at Exh.66 is allowed.
2. Plaintiff to comply necessary Witness Bhatta and expenses as per rule.

Sd/-

Date : 06/05/2025

(R. S. More)

Place: Peth-Vadgaon 3rd Jt. Civil Judge J. D., Peth-Vadgaon.