

Order below Exh.94

1. The defendants have filed this application for seeking permission for examination of witnesses. The Ld. Counsel for the defendants submitted that, during the pendency of the present suit, the plaintiff has sold out his share in the suit property to Pawan Khichade. The plaintiff has not admitted the certified copy of the Sale Deed. Therefore the defendants wants to examine the witnesses on the said Sale Deed.

2. On the other hand the plaintiff has filed his say and objected the application by stating that, the arguments of both parties have been concluded. In such circumstances, the defendants are not entitled to examine the witnesses. Hence the plaintiff prayed to reject the application.

3. Heard. Perused the record. On perusal it reveals that, by way of order below **Exh.73**, the defendant is permitted to lead secondary evidence of said Sale Deed. The plaintiff has neither denied the execution of the Sale Deed nor she has admitted the certified copy of Sale Deed. Hence in such circumstances, opportunity needs to be granted to the defendants to examine witnesses on said Sale Deed. Hence I pass the following order -

ORDER

- 1) The application is hereby allowed.
- 2) The plaintiff is permitted to examine witnesses on the said Sale Deed.
- 3) Costs in main cause.

Peth-Vadgaon
Date : 24/08/2018

Sd/-
(J. S. Gaikwad)
Jt. Civil Judge Jr.Dn., Peth-Vadgaon