

**MHKO120001682009**



**Reg.Civil Suit No.35/2009**

(CNR No.MHKO120001682009)

**Order below Exh.118**

Perused the application and say. Heard both sides. Defendant Nos.8 and 9 sought to issue summons to Talathi - Shri. Anandrao Dattatraya Mangale, who was present at the time of possession receipt.

02. On the contrary, the plaintiff has opposed the application on the ground that in the proceeding before Hon'ble C.J.S.D., Kolhapur in Spl.C.S.No.215/2009, it has come on the record that defendant Nos. 8 and 9 will not take the evidence of Shri.Mangale.

03. I consider submissions of both sides. The plaintiff has not disputed the presence of Shri.Mangale at the time of possession receipt. By examining Shri.Mangale would not cause serious prejudice to the plaintiff, as the plaintiff has every opportunity to check the veracity of the witness in the cross-examination. Rather, it would help to decide the case on merits. Hence, I pass following order.

**ORDER**

- 1] The application is allowed.
- 2] Issue summons to witness as prayed.

Date : 30/08/2024

( V. V. Kulkarni )  
Civil Judge Junior Division,  
Gargoti