

MHLA050000602019



R.C.S. No.07/2019

Anusaya Vs. State

ORDER BELOW EXH. 113

01. The application is submitted by the plaintiff to issue witness summons to defendant No.2 in order to bring on record the fact of raising objection by the plaintiff regarding nomination and withdrawal of pension amount by the defendant.

02. Say is filed by defendant No.5 that the application is false. No application is given by the plaintiff to defendant No.2. The plaintiff is consuming time of the Court. The fact would be revealed at the time of the evidence of defendant. Therefore, it is prayed that the application may be rejected.

03. Heard Ld. Advocate for respective parties. The plaintiff has mentioned in para Nos.7 and 8 that, she had filed an application with defendant No.2 inquiring the pension of deceased Mohan Jagtap and about nomination. According to that the issue is framed at Sr. No.5 and burden is cast upon the plaintiff to prove whether she had given any letter to defendant Nos.2 to 4 to withhold the family pension granting in favour of defendant No.5. As the burden is cast upon the plaintiff, she has to prove it. The application forwarded by her to defendant No.2 must be lying with him and that should be placed on record to offer opportunity to lead evidence to the plaintiff. Hence, the application is allowed subject to allowance of defendant No.2.

Sd/-

(S.N.Sarde)

Civil Judge Sr. Div., Ahmedpur.

Date:04/09/2025.