

MHLA050010022017



Order below Exhibit-1 in Special C.S. No. 9/2017

This suit is old one and time bound by Hon'ble High Court. On 19-09-2022 the cross examination of plaintiff namely Gangadhar was completed and the suit was pending for the further evidence of the plaintiff. On 23-09-2022, the plaintiff submitted application to issue witness summons. Accordingly, witness summons was issued. But the report of the witness summons was not received. Therefore, on the application of the plaintiff, the witness summons was again issued on 7-10-2022 and it was given by hand to the plaintiff for service. The report of summons was received from Court at Satana District Nashik on 24-11-2022. It appears from the report that the summons was not served as the bailiff was not available. The summons was taken by the plaintiff on 10-10-2022 by hand. The next date was kept for appearance of the witnesses on 2-11-2022 due to meanwhile Diwali vacations. As the plaintiff knows this suit is time bound by the Hon'ble High Court, the plaintiff ought to have appointed special bailiff for service of witness summons. But the plaintiff failed to take such step, therefore, the witness summons was not served.

2) The plaintiff has submitted the list of witnesses at Exhibit-70 and mentioned names of 25 witnesses therein. As the case is time bound, the plaintiff could have brought any witness in that list before the court till the service of witness summons as

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mentioned above. But the plaintiff did not bring the witness. Therefore, on last occasion the order on Exhibit-1 was passed and it was observed that the proceeding of this suit is being held up due to non-cooperation of the plaintiff. The intimation of the harsh orders was also given on last occasion. Despite that intimation order today the plaintiff failed to bring witness and submitted the application for adjournment. The application for adjournment is rejected. The plaintiff failed to bring further witness. Hence the evidence of plaintiff is hereby closed. Suit to proceed for evidence of the defendants.

Date : 01-12-2022

(P. A. Savadikar),
Civil Judge Senior Division,
Ahmedpur.