

MHLA110001332014



**Order below Exh.217 in RCS No.215/2010**

**Gorakhnath Vs. Mohan**

By this application defendant Nos.1 and 2 have requested to issue witness summons to Shri Dadarao Sonba Kale and Shri Shripati Vithoba Kale, attesting witnesses on the partition deed, on the ground stated in the application. Plaintiffs have filed their say and raised objections. Perused application and say. Heard both the sides. The theory of partition and execution of partition deed has been stated by defendant Nos.1 and 2 in their WS at **Exh.31**. The fact that the partition deed is an unregistered document is not disputed but a party cannot be prevented for proving the facts pleaded by him in his plaint or WS. No prejudice will be caused if the witnesses are examined because plaintiffs will have opportunity to cross examine the said witnesses. Hence, issue witness summons to Shri Dadarao Sonba Kale and Shri Shripati Vithoba Kale.

Date : 27/03/2024

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.