

MHLA110006832019



ORDER BELOW EXH.88 IN
SPL.C.S. NO.13/2019
PRABHAVATI VS. ASHOK & ORS.

1. Read the application and say filed thereon. Perused the records of the case.
2. This is an application filed on behalf of defendant No.2 for sending a matter to Private or Government Psychiatrist for obtaining the report regarding the mental condition of defendant No.1 claiming him to be mentally retarded person. Hence, it is prayed to allow the application.
3. Plaintiff resisted the application and contended that, defendant No.1 is mentally fit person and doing all the transactions. He is asking more money from plaintiff and avoiding to execute the sale-deed in his favour. This application is filed as there is dispute between defendant No.1 and 2. Hence, it is prayed to reject the application.
4. It is pertinent to note here that, defendant No.1 has filed his written statement and contested the suit. He also has filed pursis of closing his evidence. As per his pleading, he himself has executed the agreement to sell. Therefore, considering all these facts, it is not necessary to send the matter to the Psychiatrist. Moreover, the matter is pending for the evidence of defendant No.2. Matter is old pertaining to the year of 2019. The directions are given by Hon'ble Bombay High Court to dispose off the matters pending more than 5-10 years on priority basis. Hence, I pass the following order.

ORDER

Application below Exh.88 is rejected.

Dt.:- 13/10/2025

Jt. Civil Judge Sr. Dn., Nilanga.