

MHLA110007352019

Order below Exh.28 in RCS No. 544/2019
Dilip Vs. Deepak and Ors.

Perused contents of the application and say thereon. Heard. Perused the record.

2. The application discloses that, the present suit is filed for partition and separate possession of the suit property. The plaintiff is old aged, he is suffering from serious diseases and at present he is not fit for orally testified. The present suit is pending for adducing evidence by the plaintiff. Therefore, the plaintiff lastly prayed for permission to examine other witness prior to examination of the plaintiff. The defendants contended that, the plaintiff is prolonging the matter. Such are delay tactics. Therefore, they prayed for rejection of the application.

3. However, the defendants never denied facts as to old age of the plaintiff and his diseases. On plaint also the plaintiff is shown as 60 years old at the time of filing the present suit in year 2019. The defendants denied the plaintiff's entire claim. The defendants have not raised any ground which would cause them prejudice, if the other witness is examined prior to examination of the plaintiff. More so, the defendants will have an opportunities to cross-

examine the other witnesses. Moreover, the suit is old one i.e. of year 2019. That should be proceeded further on priority basis. In such circumstances, considering the grounds raised in the application and in the interest of justice, the plaintiff is permitted to examine the other witness prior to examination of the plaintiff.

2. No order as to costs.

(R. V. Pande)
Date :13/03/2026 Civil Judge, Senior Division, Nilanga,
Place: Nilanga District Latur.