

ORDER BELOW EXH.235 IN R.C.S. NO.48/2017
BHARATBAI VS. NAMDEV

1. Read the application and say filed thereon. Perused the records of the case.
2. This is an application filed by defendant for calling The Headmaster of school name Shivaji Vidyalaya Killari on the ground of verifying the paternity of Plaintiff alongwith Bonafide certificate and record of the school. The application is resisted by Plaintiff contending that defendant has not examined himself. Hence, it is prayed to reject the application.
3. It is pertinent to note here that, the matter is fixed for defence evidence. Defendant has yet not examined himself it is well settled principle of law that defendant can not give evidence without examined himself. To give evidence, defendant must step into witness box and be examined. Without appearing as a witness to present his own case, the court can draw a presumption that his claim is not correct. Therefore, defendant should give evidence of himself first. Hence the application is not tenable and liable to be rejected. Thus, I pass the following order.

ORDER

Application below Exh.235 is rejected.

Dt.:- 16/10/2025

Jt. Civil Judge Sr. Dn., Nilanga.