



**ORDER BELOW EXH.125.**

This is application for issuance of witness summons.

2. Heard learned Advocate Shri. V.N. Sankaye for plaintiff and learned Advocate Shri. D.T. Patil for defendant No.1 to 3 at length.

3. I have carefully gone through the the record and argument. The plaintiff's paternity is in dispute. The plaintiff has already filed legal heirs certificate issued by Sarpanch and Gramsewak. Learned Advocate for defendant argued that the witness cannot be called to prove void/illegal documents. As per Order 16 Rule 1(2) of the Code of Civil Procedure, parties desirous of obtaining any summons for the attendance of any person shall file in court an application stating therein the purpose for which the witness is proposed to be summons. After gone through the Order 16 of the CPC, there is no wording or specific bar to refuse the witnesses summons in case of void or illegal document. Similarly, at this stage, the admissibility of document cannot be determined. It is required to record evidence of witness and thereafter determine the admissibility of document. Hence the defendants argument is not accepted.

4. Considering nature of suit, there is need to grant an opportunity to adduce material evidence. This application satisfy components of aforesaid provision. There is necessity issue witness summons as prayed. Therefore, the application is deserve to be

allowed. Hence, I pass following order -

**ORDER**

1. The application is allowed and issue witness summons as prayed, subject to deposit witness allowances in the interest of justice.
2. The plaintiff shall deposit witness allowances in the Court forthwith.
3. Order dictated on computer and pronounced in open Court.

Date : 03/02/2026

( S. A. Surjuse )  
Civil Judge Jr. Division, Deoni.