

:: Order below Exh. 51 ::

01. This is an application by the defendant No. 7 under Order 18, Rule-17 of the Code of Civil Procedure for recalling plaintiff and her witnesses. As per the defendant, initially the suit proceeded without written statement against her and later on she has filed written statement. But in the meantime, plaintiff has examined her witnesses in support of her claim. Therefore, the defendant should be given opportunity to cross-examine the plaintiff and her witnesses. Hence, prayed to allow the application. Application is opposed by the plaintiff on the ground that, the defendant No. 7 moved application at belated stage and there is no sufficient reason to allow the application. Hence, prayed to reject the application.

02. The suit is for partition of ancestral properties. Defendant No. 7 is purchaser of ancestral property. Defendant No. 7 claims to be bonafide purchaser. Therefore, she is required to contest claim of the plaintiff by cross-examining plaintiff and her witnesses. Delay caused to the plaintiff can be compensated in terms of costs. Hence, in the interest of justice, application needs to be allowed. Accordingly, following order is passed.:

:: Order ::

- 1) Application is allowed subject to cost of Rs. 1,000/-
(Rs. One thousand only) payable to the plaintiff
- 2) Plaintiff to submit her witnesses for cross-examination.

Sd/-

(U. B. Kalapagar)

Civil Judge Junior Division,

Deoni.

Date : 15-02-2019.

I affirm that the contents of the P.D.F. file order are same,

Reg. Civ. Suit No. 65/2014.
CNR No.MHLA160001112014

word to word, as per the original order.

Name of the Stenographer	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	15/02/2019
Order signed by the P.O. on	15/02/2019
Order uploaded on	15/02/2019