

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, RAMTEK.

Spl.C.S. No.154/2023
Mandabai Vs. Ramrao

Order below Exh.108

The defendant no.2, 8 and 9 have filed an application seeking permission to cross examine the plaintiff. Ld. advocate of defendants has submitted that, the plaintiff herself did not step into the witness box to tender her evidence, instead she deposed through her power of attorney holder. However, the testimony of plaintiff is necessary as she possessed exclusive knowledge about the facts pertaining to the suit property, therefore, such facts could not have been adequately proved through a power of attorney holder. In these circumstances, the defendants' prayer for an opportunity to cross-examine the plaintiff assumes significance in the interest of a fair trial and for effective adjudication of the real controversy between the parties, so as to ensure that the matter is decided on merits in accordance with law.

2. On the other hand, Ld. Advocate of plaintiff has put his strong objection on the ground that application is not maintainable.

3. Heard both sides. It is to be noted here that, the plaintiff is master of her suit and she has exclusive power to conduct her case as per her wish particularly, she has power to examine witnesses as per her requirement. If, plaintiff does not want to examine some one or even herself, it would be her choice and defendant can not compel plaintiff to enter into witness box. The defendant has a defence i.e. adverse inference. Therefore, under these circumstances, present application is

not maintainable and is liable to be rejected. Hence, I proceed to pass following order.

ORDER

- 1) Application is hereby rejected.

Ramtek.
Date : 05.02.2026

[S.M. Sarode]
Civil Judge Senior Division,
Ramtek.