

MHNS280014902023



ORDER BELOW EXH.128 IN RCS 162/2023
(Kaushabai Tupe Vs. Shankar Tambe)

1. This is an application filed by defendants no.1 and 2 for seeking relief to call for the recording of CCTV Camera installed in the premises of the court.
2. It has been contended that, defendant no.3 and his Ld. Advocate are colluding with the plaintiffs and they used to have inter-se dialogue in the court premises and this fact is recorded into the CCTV Camera installed in the court premises. Defendants no.1 and 2 have taken the defence that plaintiff by colluding with defendant no.3 instituted this false suit against them. Therefore, in order to support their defence and to decide the several applications filed by them, it is necessary to call the CCTV Camera recording. Hence, the present application.
3. Plaintiffs have filed their say on the application itself. Wherein it is submitted that, the present application is false and frivolous. There is no substance in the relief claimed. Further the instant suit is filed for seeking relief of partition and separate possession. Defendants no.1 and 2 are trying to create pressure on plaintiffs by filing false application. Hence, prayed for rejection of the application.
4. Defendant no.3 filed his say on the application itself and contested it. According to him the present application is

prejudiced and filed to delay the proceeding of the suit hence, not legally tenable. Thus, prayed for rejection of the application.

5. Perused the record. Heard both sides. They have argued on the line of their rival contentions. It is evident from the record that, instant suit is filed by the plaintiffs for seeking relief of partition, separate possession, declaration and ancillary relief of injunction. It is settle principle regarding suits pertaining to partition that, every plaintiff is defendant and vice versa. Further the provisions incorporated in Order I Rule 10 of the Code of Civil Procedure provides for statutory support by which any of the party can be transposed either as a plaintiff or as a defendant from other side. Further as per provisions of Order XII as discussed while deciding same kind of an application at Exh.117, it is evident that, Rule 1 enables any defendants to support the plaintiffs claim in civil suits. This provision allows any party to give notice to admit the truth of the whole or any part of the case of any other party. If such a admission is brought on record that can lead to passing of a judgment on admission as per Order XII Rule 6 of CPC. Therefore, any one or more of the defendants can support the claim of plaintiff. In such type of contingency it cannot be said that, they are conducting the proceeding against the provisions of law and by colluding with each other. Further it is pertinent to note that, defendants no.1 and 2 averred that, the CCTV footage is necessary to support their defence and for decision of other interim applications filed by them. However, they have not furnished any detail as to how it is necessary to support their case. Further it is the statutory duty of the every party to prove

their case on their own footings. Consequently, it can be gathered that, the application filed by defendants no.1 and 2 is misconstrued. Hence, I proceed to pass the following order.

ORDER

The application is hereby rejected with costs.

Date :- 23/12/2025.

(Sachin H. Khade)
Civil Judge, S.D, Sinnar.