

ORDER BELOW EXH.10
(Passed on 09th June, 2026)

The present application is filed by plaintiff for witness summon to defendant no.3 for production of property extract of house no.291 situated at Pargaon Tq. Washi alongwith register regarding entry of name to the house. Plaintiff also prayed that witness summon may kindly issue to defendant no.3 for production of document regarding construction of shops and water tank by the Grampanchayat Pargaon, register regarding nine shops given on rent situated at village Pargaon and the resolution regarding construction of that nine shops and water tank passed by Grampanchayat village Pargaon. Plaintiff come with case that, despite demand defendants failed to provide necessary document to the plaintiff. Therefore, witness summon needs to be issued to defendant no.3.

2. Despite opportunity say not filed. Hence, proceeded with no say.

3. Perused record and proceeding. Suit is for mandatory injunction and recovery of possession of the encroached suit property, alternatively for direction to the defendant for acquisition of encroached land as per law and fixation of compensation. On perusal of plaint it is depicted that, taking undue advantage of absence of plaintiff in village Pargaon, defendant no.4 and 5 constructed 9 shops and 02 water tanks by encroaching near about 7 to 8 Guntha land owned by plaintiff in Gut no.81/B situated at village Pargaon Tq. Washi. Thats why present suit was filed for mandatory injunction alongwith recovery of possession as stated

above.

4. Heard Ld. Advocate for plaintiff. It is settled position of law that, burden of proof of any fact lies on that person who assert it. Plaintiff is under obligation to prove the contents of plaint. Law doesn't prohibit to examine opposite party as own witness. But in present case it is obligatory on the part of plaintiff to prove that he is owner of 71-R land in survey no.81/B situated at village Pargaon Tq. Washi and out of which 7 to 8 R land encroached by defendant no.4 and 5 for construction of 09 shops and 02 water tanks. For that purpose plaintiff may lead his own evidence or firstly got measure the suit land and brought on record the evidence regarding encroachment. Until and unless such evidence is brought on record, no purpose would be served by issuing witness summon to defendant no.3. i.e. Gatvikas Adhikari Panchayat Samiti Washi for production of document and leading evidence in that regard as prayed for.

5. Considering the above discussed facts and circumstances present application deserves to be rejected. Accordingly, I proceed to pass the following order.

ORDER

Application stands rejected.

(Dictated and pronounced in open Court.)

Dated : 09/06/2026

(Smt. P. S. Jadhav),
2nd Jt. Civil Judge, Sr.Dn.,
Bhoom.

CERTIFICATE

I affirm that, the contents of this P.D.F. file judgment are same,
word to word, as per the original judgment.

Name of Stenographer	---	Shri. Nikam D. B.
Court	---	2 nd Jt. Civil Judge Sr. Dn.,Bhoom
Date	---	09/06/2026
Order signed by the Presiding officer on	--	09/06/2026
Order uploaded on	—	09/06/2026