

ORDER BELOW EXH. 436

This is an application on behalf of plaintiff to make addition in the cross-examination of witness No. 9 i.e. Mr. Umesh Tanaji Kadam, which was conducted on 12.04.2023 on behalf of plaintiff.

2] According to plaintiff, during the cross-examination certain questions were put to said witness, however in deposition such questions has not been came to be incorporated, and therefore, according to him, the certain portion mentioned in application under caption a, b, c and d is required to be incorporated in the evidence of PW. No. 9.

3] Application is strongly opposed on behalf of defendant No. 3 with submission that, application is not legally tenable, whatever asked in cross-examination and whatever deposed by said witness has been correctly recorded and so application and prayer made therein can not be considered.

4] Heard Arguments of both parties.

Special C.S..NO. 03/2017

CNR-MHPU01-002135-2017

Hari Gholap Vs. Melinkari Construction and ors.

5] In fact, cross-examination of Plaintiff's witness Umesh Tanaji Kadam was conducted on behalf of defendants, particularly on 12.04.2023 and the present application for correction in his evidence is filed on 21.04.2023. If there is some defect in recording the deposition, then concern party ought to have taken the objection in this regard immediately. However, in the present case, it did not take place.

6] Apart from this, C.P.C. permits the amendment in pleadings and not in evidence. So, by this legal position, the present application can not be maintainable, and therefore, it deserves for rejection. Accordingly following order :

ORDER

Application is rejected.

Sd/-

(Sunil G. Vedpathak)
District Judge-2, Pune.

Date : 08.08.2023

Special C.S..NO. 03/2017
CNR-MHPU01-002135-2017
Hari Gholap Vs. Melinkari Construction and ors.

C E R T I F I C A T E

I affirm that the contents of this P.D.F file order are same word for word as per original order.

Name of steno	:	Shri. A.E. Deshmukh
Name of the Court	:	Shri. Sunil G. Vedpathak District Judge-2, Pune
Date of Order	:	08.08.2023
Order signed by P.O. on	:	09.08.2023
Order uploaded on	:	10.08.2023