

R.C.S. NO. 89/2014

CNR No. MHRT050007952014

Satish More

Vs.

Nirmal Grampanchayat Veral Jamburde

Order Below Exh.106

01. The application under consideration is filed by the plaintiff for permission to cross examined defendant no. 2 again in respect of the documents obtained by the plaintiff under RTI Act from the co-operative society.

02. It is contended by the plaintiff that, he is residing at Mumbai. He contends that, time was consume to obtain the applications which he had made for membership to the society of Satyam Apartment. As per his contention he obtained that application under the RTI Act. Therefore, he could not produced the said application on record within time. As the said application is produced on record, he wants to cross examined defendant no. 2. As per the contention of plaintiff if he is not allowed to cross examined defendant no. 2 in respect of the said application then he will suffer an irreparable loss. The plaintiff urged for permission to cross examined defendant no. 2.

03. The application is resisted by the ld. Advocate Mr. Damale appearing for defendant no. 2 by filing say at Exh.109. It has been contended that, the documents in respect of which the plaintiff wants to cross examined defendant no.2 is in his possession since the year 2015. Further, the said documents has not been prepared by defendant no. 2, therefore, it can not be confronted to defendant no. 2 in his cross examination. It has been further contended that, whether defendant no. 2 society has given

membership to the plaintiff or not is not issue in the present suit therefore it is not relevant. Further, the document on the basis of which the plaintiff wants to cross examined defendant no. 2 is also not relevant to the fact in issue of the suit. The plaintiff has filed the said application only with a view to prolong the matter and to get advantage of illegal construction for maximum period of time. Therefore, it is urged for rejection of the application.

04. It is pertinent to note that, the plaintiff has not produced any such documents on record on the basis of which he sought permission to cross examined defendant no. 2 who is already cross examined by the plaintiff. Instead of producing that document on record the same has been still withheld by the plaintiff. The application is also silent about the explanation as to why the plaintiff could not produced that document on record at earlier. In such circumstance, no such blanket permission can be given to the plaintiff to cross examine defendant no. 2. Hence, I pass the following order.

ORDER

Application Exh.106 is rejected.

Date: 27.03.2023

(Sanjay M. Chavan)
Jt. Civil Judge, J.D., Khed

CERTIFICATE

Order Below Exh.106 in Case No.	:	RCS no. 89-2014
I affirm that the contents of this pdf file order are same word as per original Judgment/order.		
Name of Stenographer	:	Shri. V. V. Bamane
Court Name	:	Jt. C.J.J.D. & J.M.F.C., Court, Khed.
Date of Decision	:	27.03.2023
Order signed by Presiding Officer on	:	27.03.2023
Judgment/Order uploaded on	:	29.03.2023

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