

MHRT070008572025

Civil M.A. No.82/2025Suhasini Barde & Ors. V/s. Kiran
Barde**ORDER BELOW EXH.44**
(Passed on 21.02.2026)

The present application is filed by the non-applicant for issuance of witness summons to the witness namely Adv.D.K.Katkade as per Order 16 Rule 1(2) of the C.P.C.

02. The non-applicant vide this application contends that, present application is filed by the applicant against the non-applicant for grant of heirship certificate. The non-applicant has produced on record divorce deed along with Exh.46 dated 17.06.2013. For the purpose of proving said divorce deed executed between applicant and deceased Amol Barde it is necessary to issue summons to witness viz. Adv.D.K.Katkade along with Notary Register dated 17.06.2013 to give evidence. Hence, non-applicant prayed that, application may be allowed and witness summons may be issued to witness.

03. Applicant filed her say overleaf of the application and strongly opposed the application on a ground that, application filed by non-applicant is false and misleading. The divorce deed dated 17.06.2013 is a unregistered document and cannot be read in evidence. Hence, she prayed to reject the application.

04. Heard the Ld. Advocate for the non-applicant Smt.S.V.Sansare and Ld. Adv.Shri.Sawant for the applicant.

05. Perused the application and say filed by the non-applicant. The present application is filed by the applicant against the non-applicant for grant of heirship certificate of deceased Amol Barde. At present matter is posted for adducing evidence of the non-applicant. The non-applicant has not examined himself on oath prior to examination of other witnesses. **Order 18, Rule 3(A) of the Civil Procedure Code (CPC)** mandates that if a party (plaintiff or defendant) wishes to testify in their own suit, they must appear as the first witness before any other witnesses on their behalf are examined. The court may permit a party to appear at a later stage only for reasons recorded in writing. In the facts of the case in hand, as per Order 18, Rule 3(A) non-applicant has not sought any prior permission of examining other witnesses before examination of the non-applicant. Hence, application is not maintainable. Hence, applications deserves to be rejected. Hence, the following order-

ORDER

Application Exh.44 is rejected. No order as to Costs.

Place - Chiplun
Date - 21.02.2026

(K.A. Powar)
J.M.F.C., Chiplun.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	Mr. S. J. Thorat
Name of Court	C.J.J.D. & J.M.F.C., Chiplun.
Date of publish	21.02.2026
Order Signed by the P.O. on	21.02.2026
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