

Order below Exh. 46 in R.C.S. no. 15/2018

(CNR no. MHRT080000802018)

By the present application, it is contended that, the plaintiff is suffering due to blood pressure. He is ill. He cannot attend the Court. Thus, affidavit in lieu of examination-in-chief filed by him, may not be read in evidence. It is further prayed that, permission to file the affidavit of power of attorney of the plaintiff may be granted.

02. Application is apposed by the defendants.

03. Heard both sides. Perused the record.

04. Learned advocate for the plaintiff has submitted that, the plaintiff is an age old person. He is suffering due to illness. Document to that effect is produced on record. Therefore, application be allowed.

05. It is not made clear that, whether the blood pressure of the plaintiff is high or low. Further, there is nothing in the application that, due to his illness or age, the plaintiff is unable to understand the questions put to him and to give rational answers of the same. It is settled law that, an affidavit cannot be withdrawn. Moreover, any affidavit is not filed in support of present application. In view of all these facts, it is not made out that, the plaintiff is precluded from testifying before the Court. In light of all these aspects, application is liable to be rejected. It is accordingly rejected.

Date :- 15/02/2023

(B. D. Tare)
Civil Judge (J.D.), Deorukh.

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh.1 in R.C.S No. 15/2018)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- S. S. Thaware (Jr. Clerk)
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date of decision	:- 15/02/2023
Order signed by PO. on	:- 15/02/2023
Order uploaded on	:- 15/02/2023