

Order below Exh. 47 in R.C.S. No. 31/2020
(CNR No. MHRT080002492020)

Present suit is pending for evidence. Power-of-Attorney Holder of the plaintiff bank Shri. Mukund Khandekar has filed his affidavit in lieu of examination-in-chief. It is at Exh. 32.

02. By the present application, the plaintiff bank has prayed for leave to file additional affidavit in lieu of examination-in-chief of Mr. Mukund Khandekar. It is contended that only due to wrong mention of suit number in the evidence affidavit at Exh.32, the evidence affidavit filed in the present suit is incorrect. The evidence affidavit contains contents of RCS No. 33/2020. Thus, it has become necessary to file additional evidence affidavit.

03. Application is opposed by the defendant.

04. Perused the record. Heard both sides.

05. Learned advocate for the plaintiff Shri. K. S. Sahastrabuddhe has submitted that, there are in all 55 similar suits instituted by the bank against different persons. Further, the suits so instituted are such that in some of the suits, same person is the defendant. Thus due to clerical error the substance of RCS No. 33/2020 came to be incorporated in the evidence affidavit at Exh.32 filed in present suit. Therefore, considering aforesaid facts and circumstances, and in view of necessity arose, the leave to file additional affidavit may be granted.

06. Learned advocate for the defendant Smt. P. C. Chavan

has submitted that the fact as to the incorrect or wrong affidavit is said to have come to light during cross-examination of the witness in another similar matter before this court. Thus, now, no permission to file additional evidence affidavit can be granted.

07. Considering the aforesaid circumstances and submissions made, for the sake of justice, plaintiff bank need to be allowed to file the additional evidence affidavit, as prayed. Hence, the application is allowed.

Date :- 04/10/2024

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

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

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

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Devrukh
Date	:- 04/10/2024
order signed by PO. on	:- 04/10/2024
order uploaded on	:- 04/10/2024