

**ORDER BELOW EXH.102**

1. Now its 03.35 p.m. The witness who was government servant, measured the property present in the court since 11.00 a.m. Despite repeated calls the learned advocate for the plaintiff not appeared till 12.30p.m., therefore another witness was examined in R.C.S. No. 73/2011. During examination of that witness learned advocate appeared and was present in the court.

2. This witness was then entered into witness box and his evidence was recorded in another matter i.e. R.C.S. No. 97/2008. It was continued upto 01.30 p.m. Then everything was ready for the examination of present witness in the present matter while witness was sitting in the witness box the learned advocate for the plaintiff started inspection of the file. It is noticed by Presiding Officer that, everything was halted and the evidence is not going to be commenced immediately. The matter was adjourned till second session. Very poor show was continued in the first session due to the conduct of learned advocate for the plaintiff.

3. In the afternoon again matter was called at about 03.00 p.m. Learned advocate for the plaintiff was absent. Plaintiff informed that his advocate is not present as he had been for lunch. After waiting for so much time learned advocate appeared. Witness was again entered into witness box at about 03.20 p.m. When evidence was about to begin, again learned advocate submitted that, he want to cross-examine the witness on the report filed by him and for that purpose he wants to file an application. Application was not ready. Again witness allowed to alight from witness box and time furnished for filing present application on which say was also called. This whole procedure again consumed for about twenty to thirty minutes.

4. Since beginning witness present, the defendant also present with his advocate, but only due to the conduct on the part of plaintiff the matter was pulled upto 03.30 p.m. The whole incidence took place in presence of learned advocate for defendant and various other advocates including the parties. The witness D. V. Salgaonkar, also present during this whole episode. A wrong message was sent to all of them.

5. Any conduct on anybody's part showing indifference towards the authority of court, may be mild or strong needs to be viewed seriously. Every Presiding Officer is duty bound to see that every such incidence or act showing disrespect to the authority of court in any such shall be dealt with stern action and take care that from its orders message should be sent that law is supreme. From the conduct on the part of plaintiff it is clear that only because of time consumed and tactics followed, the witness as well as other side tremendously harassed, so also valuable time of court was wasted. All these things needs to be compensated.

6. In the interest of justice the application has to be allowed, but in view of above facts and circumstances following order -

**ORDER**

A. The plaintiff is allowed to examine the witness D. V. Salgaonkar, present in the court, subject to cost of Rs.1500/- (Rs. Fifteen Hundred Only), out of which Rs.500/- (Rs. Five Hundred Only) to be paid to witness today itself and Rs.500/- to the defendant and Rs.500/- (Rs. Five Hundred Only), to the government, within a week from today and examined the witness today itself.

B. If plaintiff failed to comply any of the condition, the application deemed to be rejected.

Sd/-

**KUDAL**  
**DATE – 26 /08 /2016**

**(KOMALSING RAJPUT)**  
**C.J.J.D., KUDAL, DIST. SINDHUDURG**