

Reg.Civil Suit. No. 43/ 2014Order below Exh.141

(Ramakant Bagve V/s. Babaji Bagve)

1. The defendants are seeking witness summons to Adv. Shri. S.D. Desai. The plaintiffs have resisted the application and prayed for its rejection. Heard both sides.

2. It is contended by the defendant that, plaintiff had issued notice to defendants through Adv. S.D. Desai. The notice has been exhibited in the evidence of defendant no.1 for the purpose of identification only at Exh. 119. For the purpose of proving its contents the defendant has prayed for issue witness summons to Adv. S.D. Desai. The ld. advocate for the plaintiff has submitted that, notice has already been exhibited. Therefore, there is no need to issue witness summons to Adv. Shri. S.D. Desai. Hence, it is prayed that, application to be rejected.

3. The document sought to be proved is the document marked as exhibit 119. It is the copy of notice issued by plaintiff through Adv. S.D. Desai. It has been exhibited for the purpose of identification. In such circumstances it is necessary to give opportunity to defendant to prove its contents. The plaintiff will have an opportunity to cross examine the witness. Therefore no prejudice will be caused to the plaintiff, if

application is allowed. Hence, considering the nature of suit,
application is allowed. Hence I pass following order.

ORDER

1. The application is allowed.
2. Issue witness summons as prayed on payment of
witness bhatta by defendant.

Date:- 07/03/2022
Kudal.

Sd/-
(A. J. Bachulkar)
Civil Judge, J.D. Kudal.