

Spl.C.S. No.317/2019
(Damodar Annaji Gramopadhye
Vs Girish Vitthal Thanedar)
CNR: MHSN0200027522014

Order below Exh.47

Present application is filed by the plaintiff to issue witness summons to the Bank Manager of State Bank of India. Defendant opposed the application contending that plaintiff has to prove his case by producing his bank statement. The amount deposited in the account of defendant is regarding his business and said account is related in respect of income tax and GST. From that account it cannot be stated that for which agreement or in respect of which transaction the amount is deposited. Hence, prayed to reject the application.

2] Heard both the parties. Perused the pleadings. It appears that in para No.3 of the plaint the plaintiff has mentioned how he has deposited the amount in the account of defendant as well as paid by cash. The defendant has denied said fact. In this situation, consideration that the suit is for recovery of money, it is necessary to call the witness to prove the transaction.

3] So far objection of defendant is concerned, the plaintiff is having right to prove his case by all available evidence. Therefore, the plaintiff can examine the Bank Manager of the bank in which the defendant is maintaining the account. The objection that it will not prove the transaction or agreement is concerned, that will be the part of cross-examination. It will not be a bar to call a witness. Hence, I pass the following order.

ORDER

- 1] Application is allowed.
- 2] Issue witnesses summons as prayed on payment of Bhatta.

Sangli

Date : 03/01/2025

(R. P. Kulkarni)

Jt. Civil Judge (Sr. Division), Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per original.

Name of Stenographer	:	Sou. S. A. Mane (Grade-II)
Name of the Court	:	Shri. R. P. Kulkarni Jt. C.J.S.D., Sangli.
Date of decision	:	03/01/2025
Order signed by P.O. on	:	03/01/2025
Order uploaded on	:	03/01/2025