



ORDER BELOW EXH.1 IN P.W.D.VA.NO.69/2024

(Jayashri Dode / Amrutraj Dode & Ors)

MHSN03-001455-2024

Today opponent has moved the affidavit of witness No.3 i.e. Vilas Dattu Mohite at Exh.37 on the point of Jurisdiction as per the order of my Ld. Predecessor dt. 07.12.2024. However, opponent, his Ld. Advocate as well as said witness i.e. Vilas Dattu Mohite all found absent when called at 4:30 pm. On last date this Court specifically directed the opponent to lead evidence on the point of Jurisdiction without fail otherwise it was directed to close the evidence of opponent on said point. At morning session Ld. Advocate for opponent Mr. Satyashil Kamble was present and submitted that, the witness can not remain present in Court due to some reasons. However, if a witness can not remain present in Court and mere filling of his affidavit on record via E-Filing mode can not be said to be a good practice as it may cause prejudice to other side. Especially when it was directed to lead the evidence without fail then such type of practice can not be considered. Looking at the nature of proceedings, matter needs to be expedited. Since, no adjournment application filed showing circumstances for absence of witness is available on record, it is necessary to pass following orders.

ORDER

1. The affidavit at Exh.37 is hereby discarded.
2. For the above mentioned grounds, evidence of opponent on the point of Jurisdiction is hereby closed.
3. Applicant to take necessary steps.

Sangli

Date:-17.01.2026.

(Onkar S. Shastri)

Judicial Magistrate First Class, Sangli

(Court No.5)