

MHSN050006062014



Order below Exh.273 in
R.C.S. No.157/2014
(Dt. January 20, 2026)

1. The present application has been filed by the plaintiffs seeking for de-exhibiting exhibit number given to the notice and Exh.No.36.

2. It is claimed that the defendant filed the notice along with list at Exh.14. There was cross examination of the plaintiff at Exh.No.28. The plaintiff denied the notice in his cross examination. It is disputed that the contents of the notice were not duly proved. However, the notice is exhibited as Exh. No.36 due to oversight. Therefore, the said notice is disputed to be not to be exhibited and read in evidence, unless, duly proved. Accordingly, the present application is set out.

3. The reply to this application has been filed on the application itself by the defendant at back leaf of the application. The application is opposed. It is contended that it is open for the plaintiffs to argue and address on incorrect exhibit of the document at the time of final argument. The same can be adjudicated after the final argument. Further, the application is disputed to be misconceived. Therefore, the same is contended to be liable to be rejected.

4. Heard the Ld. Advocates for both the parties. They wrangled according to their respective application and reply.

5. Considered the record before the Court.

6. The present suit has been filed in the year 2014. The suit has been filed seeking for the specific performance of contract. The defendants recorded their written statement at Exh.15 on 18/10/2014. The Ld. Predecessor of this Court framed issues at Exh.27 on 10/2/2020. The plaintiff filed his evidence affidavit at Exh.28 on 12/3/2020. The cross examination of the plaintiff was concluded on 12/2/2021. It is matter of record that notice was filed along with list Exh.14 by the defendants. In the cross-examination, this notice was referred to the plaintiff. While the notice was referred to the plaintiff, it was given Exh. No.36. The plaintiff denied his signature on the said notice. At Exh.15, the defendants pleaded the notice dt.27/11/2003 by the plaintiffs. The suit is also disputed to be beyond the limitation. Accordingly, there was an issue framed in respect of limitation. Besides the plaintiff, Defendant No.1B recorded his testimony below Exh.254. The examination in chief of Defendant No.1B is completed. Further the suit is pending for cross examination of this defendant. In para 33 of his evidence affidavit he categorically affirmed the notice dt.27/11/2003 issued by the plaintiffs. The exhibit of the said notice as Exh. No.36/C in the evidence of the plaintiffs at Exh.28

was effected on 12/2/2021. The present application is filed on 28/2/2025. No objection was recorded at the time of said testimony of the plaintiffs. The present application is set out at belated stage. Even, it is not open for the plaintiffs to cross examine Defendant No.1B at Exh.254 in respect of the said notice. Furthermore, the parties are at liberty to address the Court on the issue of said notice at the time of final argument. The suit is of the year 2014. Therefore, same should be proceeded further with appropriate pace. Ergo, the order follows in the interest of justice as..

<u>ORDER</u>	
01.	The present application is hereby rejected;
02.	The parties to bear their own costs;
03.	The present suit is hereby expedited and to be concluded at the latest by the end of March 2026;
04.	The parties to take note and proceed accordingly.
(Dictated and pronounced in open Court.)	

Dt. January 20, 2026

(Maneesh Nanabhau Phatangare)
Civil Judge Senior Division,
Islampur

CNR No.MHSN050006062014
Order Below Exh.

R.C.S. No. 157/2014
Mohan Patil & Ors vs. Jaywant Patil(D) thr LRs.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file judgment/order are same, word to word, as per the original judgment/order;

Name of the Stenographer : S. A. Desai (Grade-II)

Court Name : Civil Court Sr. Dn., Islampur

Date of judgment/order : 20/1/2026

Judgment/Order signed by the

Presiding Officer on : 21/1/2026

Judgment/Order uploaded on : 21/1/2026