

MHSN060000162020



**ORDER BELOW EXH.102 IN REGULAR CIVIL SUIT NO.2/2020**  
**[Sikandar Bairagdar Vs. Shaukat Vastad]**

1. Present application is filed by plaintiff for local inspection of suit property by Court.
2. Defendant filed his say and denied the contents of the application. He submitted that, present suit is filed by plaintiff for declaration of the right of pre-emption and perpetual injunction. The evidence of plaintiff is over and the evidence of defendant's last witness is going on. The plaintiff has to prove his own case. The plaintiff is trying to collect evidence through court. Hence, he prayed to reject the application.
3. Heard learned advocate for the plaintiff and learned advocate for the defendant. Perused the application, say and record.
4. It is not in dispute that the present suit is pending since more than five years and the matter is posted for final arguments. The evidence of both the parties stands concluded. The defendant has closed his evidence by filing evidence close pursis at Exh.104.
5. The plaintiff has relied upon Order XVIII Rule 18 of the

Code of Civil Procedure, 1908. As per the said provision, the Court may inspect any property or thing concerning which any question may arise and, if inspection is carried out, the Court has to prepare a memorandum of relevant facts observed, which forms part of the record.

6. The power under Order XVIII Rule 18 CPC is discretionary and is to be exercised only when the Court itself finds inspection necessary for proper appreciation of the evidence already on record. The said provision cannot be invoked to enable a party to gather material through the Court or to fill up lacunae after closure of evidence. At the stage of final arguments, permitting inspection would inevitably lead to further delay in disposal of this old matter.

7. In the present case, the plaintiff has not shown any specific circumstances demonstrating necessity of inspection by the Court for deciding the issues involved. The disputes can be adjudicated on the basis of pleadings, oral and documentary evidence already brought on record. Hence, no case is made out for exercise of powers under Order XVIII Rule 18 CPC.

### **ORDER**

Application below Exh.102 is rejected.

Place:-Miraj.  
Date :-07.01.2026

(Smt. P.D.Gaikwad)  
2<sup>nd</sup> Jt.Civil Judge, Jr.Dn., Miraj.

### **CERTIFICATE**

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 Stenographer                 | :- Mr. U.P.Patil                                                                                           |    |         |
| Name of Court                        | :- 2 <sup>nd</sup> Jt. Civil Judge (J.D.) and<br>Judicial Magistrate First Class,<br>Miraj, Dist., Sangli. |    |         |
| Date of decision / typed             | :-                                                                                                         | 07 | 01 2026 |
| Judgment/order signed by the P.O. on | :-                                                                                                         | 07 | 01 2026 |
| Judgment/order uploaded on           | :-                                                                                                         | 07 | 01 2026 |