

Order below Exh.58 in R.C.S.No.164/2011

[Sangeeta Pandurang Pawar & Anr. v/s. Suryakanat Yadavrao Pol & Anr.]

[CNR-MHSN090007132011]

The present application is filed by plaintiff no.1. By filing present application by the plaintiff no.1 that she has filed affidavit of examination in chief at Exh.31 and her additional affidavit of examination in chief at Exh.54, wherein through oversight she has mentioned the documents which are filed by defendants. Therefore, by filing present application, it is prayed that permission may be granted to not press the affidavit of examination in chief at Exh.31 and 54. In the alternatively, those affidavits of examination in chief may be cancelled.

2. On the other hand the Ld.Advocate for the defendants filed his say and submitted that, the contents of the application are false. He further submitted that, the plaintiff filed her affidavit of examination in chief in the year April 2018 and now the plaintiff wants to not press the same for to treat at cancelled. It is only to harass the defendants. Therefore, necessary order may be passed.

3. Heard both sides. Perused record. After perusal of record it is seen that, the plaintiff has filed her affidavit of examination at Exh.31 on 04.11.2017 and affidavit at Exh.54 on 09.03.2020. Since then, the present matter is for cross examination. Now filing present application it is prayed by the plaintiff no.1 that permission may be granted to her to not press the affidavits of examination in chief filed by her or to treat it as cancelled. The Code of Civil Procedure does not state any provision

to not press the affidavit of examination in chief. Further it is the contention of the plaintiff no.1 that she only wants to not press these affidavits of examination in chief only because through oversight, she has mentioned the documents of defendants in the affidavits of examination in chief. The said mistake can be rectified by taking further examination in chief. Therefore, I do not find any merit to the application filed by plaintiff no.1. Hence, considering these reasons, I proceed to pass following order.

ORDER

1. Application is rejected.
2. No order as to costs.

TASGAON.
Date : 05.04.2022

(Omprakash M.Mali)
Joint Civil Judge Jr.Dn.,
TASGAON.

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

Name of the Stenographer	:	U.P.Patil
Court	:	Jt.Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	05.04.2022
Order signed by the Presiding officer on	:	05.04.2022
Order uploaded on	:	06.04.2022