

ORDER PASSED BELOW EXH. 93
in M.A.C.P. No. 27 / 2016

This is an application for appointment of Court Commissioner for recording the evidence of witnesses.

02. Perused the application and say filed by the learned Advocate for the respondent. Heard the learned Advocate for the parties.

03. The learned Advocate for the petitioner submits that, the petitioner wants to examine the Manager, Yashodhara Super Specialty Hospital, Solapur and Yashodhara Medical, Solapur. He submits that, the witness summons were issued for 4 to 5 times but, the witnesses are not duly served with summons. According to him, the claim petition is pending from 2016 and only the evidence of proposed witnesses is remains to be recorded. So according to him, the Court commissioner may be appointed for recording the evidence of witnesses.

04. On the other hand the learned Advocate for the respondent orally submits that, the petitioner may be directed to make the arrangement of the convenience.

05. Considering the submission of learned Advocate for the parties and the facts of the case, I hold that the application is deserves to be allowed. Because the claim petition is pending since 2016 and the evidence of proposed witnesses only remains to be recorded. So for the expedite disposal of the claim petition, it will be just and necessary to record the

evidence of witnesses through Court Commissioner. In the result I proceed to pass following order.

ORDER

1. The application is allowed.
2. Advocate Shri. P. V. Chandanshive is appointed as Court Commissioner.
3. The Court Commissioner shall record the evidence of proposed witnesses after giving prior intimation regarding the date of the execution of Court commission to the learned Advocate for the parties.
4. The Court Commissioner shall execute the commission on or before 12/12/2022.
5. The petitioner shall deposit Rs. 2,000/- (Rs. Two thousand only) in the Court towards the commission fees.
6. The petitioner shall make the arrangement of the convenience of the learned Advocate for both the parties.

Date - 18/11/2022

(N.K.More)
Extra Jt. Additional District Judge,
Pandharpur.

Certificate

I affirm that the contents of this PDF file order is same word to word as per the original judgment.

- (a) Name of the Stenographer : A. S. Bavikar (Incharge)
- (b) Court. : Extra Jt. Additional District & Sessions Judge, Pandharpur.
- (c) Order signed by P.O. on : 18/11/2022
- (d) Order uploaded on : 18/11/2022