

MHST010005072020



Order Below Exh. 34 in MACP No. 50/2020
(Anita Bapurao Bankar & Ors. Vs. Babasaheb Sadashiv Nikam & Anr.)

This application is filed by the petitioners for setting aside the order of “Evidence close” passed against them on 23.01.2025, below Exh. 1.

02. The opponent No.2 by filing his say on this application itself has strongly objected this application.

03. Heard both the sides. Perused record and proceeding.

04. It appears that, petitioner No. 1 has examined herself by filing affidavit of examination-in-chief vide Exh. 20 on 30.08.2022. Her cross-examination is completed on 15.02.2024. Thereafter, petitioners have filed application vide Exh.30 for issuing witness summons to PW.2-Amol Ramchandra Bankar. Thereafter, the petitioners and their witness remained absent for many dates. Hence, learned Predecessor of this Court pleased to close the evidence of the petitioners on 23.01.2025, by passing order below Exh.1.

05. It further appears that, thereafter the opponents have filed affidavits of examination-in-chief of opponent No.1-Babasaheb Sadashiv Nikam vide Exh. 31 respectively on 06.03.2025.

06. Now, the petitioners want to lead further evidence. To

have a fair trial, it is necessary to give sufficient opportunity to both the parties to plead and defend their respective case. If an opportunity is not given to these petitioners, it would definitely prejudice to the case of petitioners. On the contrary, if permission is granted to the petitioners, an opportunity to cross-examine the witnesses would definitely be given to the respondents. Therefore, no prejudice would cause to the respondents. Hence, the following order -

ORDER

- 1] Application (Exh.34) is hereby allowed.
- 2] Order of “Evidence close” passed below Exh.1 on 23.01.2025 is hereby set aside.
- 3] Permission granted to the petitioners to lead further evidence.

Sd/-

(S. S. Kosamkar)
Chairman, M.A.C.T.
Satara.

Satara.
Date : 01.04.2025.