

ORDER BELOW EXH.25

(Vijaysiha Jagannath Bhoite etc.2 Vs. Amrutrao Narayan Dhumal etc.1)

Heard both Ld. Counsel. Perused the relevant record. After perusal of the Roznama it reveals that, matter is pending for filing the say on Exh.5. The appellants Ld. Counsel has pressed the matter upon the reason that considerable adjournments are sought by respondents. There is urgency in the matter. Even though the respondents Ld. counsel has filed this adjournment application. The vague contentions has been raised in the application. The applicant no.1 is senior citizen. Respondent just want to protract the hearing. The appellant has already filed the paper book. So far as the other documents are concerned, R&P can be called and matter can be proceeded further. It is also alternatively argued that final hearing of the appeal can also be proceeded by calling R&P from the trial court and therefore appellants Ld. Counsel prayed to reject the application vide Exh.25.

2. Per contra it is argued by the respondents Ld. Counsel that it is the basic responsibility of the appellant to produce the whole paper book in the court. As the paper book is incomplete, therefore it is not possible for respondents to file the say. Therefore his application be allowed and appellants be directed to file the whole paper book.

3. After considering the rival submissions, when record is perused it reveals that, appellant has filed paper book in the court which contains the deposition of the parties in the trial court. It is not the contention of respondents that applicant has not filed the whole depositions recorded in the trial court. So far as point of documents relied upon by the parties in the trial is concerned, the relied documents always remains in C file and when R& P is called the said

documents automatically are filed in the appellate court. So there is no necessity for appellant to file the copies of all the relied documents (in trial court) as those remains in the C file and can be taken into consideration in the appeal.

4. The appellant has already filed copies of depositions recorded in the trial court. Therefore, argument of respondents Ld. Counsel to that effect can not be taken into consideration. Another point required to be looked into is the age of the appellant. After perusal of the Exh.1, it reveals that appellant no.1 is 72 years old i.e. a senior citizen. Therefore it is rightly pointed by appellant's Ld. Counsel that expedite hearing is necessary. However as this file has firstly come before this court last chance is granted to the respondent to file the say, with specific direction to proceed further positively on the next date.

Date – 21/03/2025
Place : Satara.

(Smt. Sanika S. Joshi)
Member,
M.A.C.T., Satara.