

ORDER BELOW EXH.66.

(Dated - 27/09/2024)

The learned Counsel for the plaintiff moved application for calling the Police Inspector, Police Station, Ganeshpeth, Nagpur as witness on behalf of the plaintiff. Read application and say filed by Ld. Counsel for the defendant no.2. Heard Ld. Counsel Shri. Petkar for the plaintiff and Ld. Counsel Shri. Kashap for defendant no.2.

2] The Ld. Counsel for the plaintiff vehemently submitted that the defendant no.1 had lodged a police complaint against the defendant no.2. However the defendant no.1 died during the pendency of the suit. There are contentions in the police report about the suit property, which are necessary to be proved by the plaintiff. The Ld. Counsel for the defendant no.2 opposed the application and vehemently submitted that the application is moved to prolong the suit. Earlier application for the same purpose is already rejected by the Court.

3] The suit is filed for declaration and perpetual injunction. The plaintiff examined himself and the suit is pending for further witnesses on behalf of the plaintiff. The plaintiff earlier moved an application Exh.64 for calling Duty Officer of the Police Commissioner Office, Nagpur as a witness, however same is rejected. The burden is casted upon the plaintiff to prove his possession over the suit property and further the burden is casted to prove Gift-Deeds executed during pendency of the suit are hit by the principle of lis-pendense. The civil

right of the parties over the suit properties are in questions in controversy. The details order is already passed below Exh.64. The purpose will not served by calling the proposed witness. Thus, considering the circumstances, application is rejected.

Seloo.

Date – 27/09/2024.

(V.M. Bansod)
Civil Judge Jr. Division
Seloo