

R.C.S. No.10/2017

Babarao ..Vs.. Sau. Usha

CNR No.MHWS07000244-2017

ORDER BELOW EXH-26

1. This is an application filed by the plaintiff himself seeking a permission to conduct an examination in chief to exhibit the documents. It is contended that the plaintiff has filed his evidence on affidavit but inadvertently did not exhibit the documents filed on record.
2. The say of the defendants was called out. Defendant no.2 to 4 gave their say on the back leaf of the application whereas, defendant no. 1 not bothered to give his say. The application was strongly opposed by the defendant no.2 to 4.
3. On the perusal of Roznama, it appears that on previous date only the examination of chief was conducted. The defendants were called out but neither the defendants nor their advocates appeared before the court. After some time, it was informed that the advocate for defendant no.1 will appear in the court in second half and the cross examination was not conducted.
4. It is well settled that the party shall not be suffered by the mistake of an advocate. It is the duty of an advocate to file original documents on record at a proper stage of the proceeding and get it exhibited. It is not at all expected that the matter should be delayed for the same stage. Considering the grounds mentioned in the application the application is deserves to be allowed in the interest of justice and the delay caused in the proceeding can be curbed by imposing cost. Hence following order.

ORDER

1. The application is allowed subject to the payment of cost of Rs.200 to the Taluka bar association.
2. Plaintiff to file original documents on record.

Date : 16/11/2022 Karanja Lad		Sd/- (Smt. S.N.Pund) 2 nd Jt.Civil Judge (Jr.Dn.), Karanja Lad
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CERTIFICATE

I affirm that the contents of this P. D. F. File Judgment/Order are same word to word, as per the original Order.

Name of Stenographer	:	Manoj T. Kelatkar, Jr. Clerk
Court Name	:	2 nd Jt. Civil Judge (JD) & JMFC, Karanja.
Date	:	03-11-2022
Order signed by the Presiding Officer on	:	03-11-2022
Order uploaded on	:	03-11-2022