



Order Below Exh.57
(Passed on 05.06.2025)

1] Perused the application and say filed there on. By this application the non-applicant prayed to grant permission to examine witness Amol Bala Devgade.

2] It is contentions of the non-applicant that, the present case is for argument. He laid evidence and closed his side. However, he wants to examine material witness namely Amol Bala Devgade to prove his case. The witness is very much important. Therefore, it is necessary to grant permission to examine above witness.

3] The applicant strongly opposed the application. She contended that, the non-applicant has already closed his evidence. Now, the case is fixed for final argument. The non-applicant himself filed pursis at Exh.55 and closed his evidence. Therefore, the non-applicant has no right to lead further evidence. The name of the proposed witness is not listed in the witness list. The application is filed with intent to fill-up lacuna. Therefore, the application is not tenable. Lastly, she prayed to reject the application.

4] Heard both the learned advocates for the non-applicant and applicant. They submitted as per their contentions of the application and reply. Perused the record. It appears that, the case was fixed for final argument. The non-applicant closed his side by filing pursis at Exh.55. Now, the non-applicant wants to examine the proposed witness to prove his case. It is pertinent to note that, even at the stage of judgment, the either party to the case is at liberty to lead the evidence to prove their

case. Therefore, the present application is tenable. Moreover, the Court needs to take liberal approach and give liberty to the parties to the case to lead further evidence so as to prove their case. Needless to say that, no prejudice will be caused to the applicant, if the application is allowed. On the contrary, the non-applicant will be seriously prejudiced, if the application is rejected. However, considering the delay on the part of the non-applicant, it will appropriate to saddle the costs of the application on him. Hence, considering above findings, I pass following order.

Order

- 1] The application is allowed subject to costs of Rs.1,000/- (In words Rs.One Thousand only) to be paid to the applicant.
- 2] Issue witness summons to Amol Bala Devgade on process fee.

Date :- 05.06.2025.

[Shahaji D. Bhosale]
Judicial Magistrate First Class, Wani.

I, Abhay Pramod Bhoyar, Stenographer of Civil Judge (Jr.Dn.), Wani affirm that, the contents of this PDF are same words for words, as per the Original Order.