

MHAH180000962015

Order passed below Exh. 40 in R.C.S No. 29 of 2015
(Balasaheb Sawitrabai Dangat Vs. Maruti Ambadas Lavande)

01. The defendant has filed present application for setting aside "No Cross" order passed on 03.11.2023. It is submitted that, on that day, when called by the court, the defendant did not appear in the Court. He had come to Tehsil Office to call his learned Advocate therefore, no cross order came to be passed against the defendant. In the interest of justice, therefore, it is prayed to set aside no cross order passed against the defendant.

02. The plaintiffs have objected the application by filing say overleaf of the application. He has submitted that, the heavy costs be imposed on the defendant.

03. It seems from the perusal of record that "No Cross" order is passed against defendant. Considering the nature of the suit and the principles of natural justice, the plaintiff must be given due opportunity to cross examine the plaintiff. At the same time, it is necessary to impose the costs of Rs. 500/- on the defendant for being absent and inconvenience caused to the plaintiff. Therefore, it will be just and proper to allow application subject to payment of costs. Hence, application deserves to be allowed, in the result, I proceed to pass following order.

ORDER

- 1) Application is allowed subject to costs of Rs. 500/- payable by defendant to the plaintiff.
- 2) Parties to take note.
- 3) Costs on the applicant.

Date: 16.01.2024

(Sou. R.S. Tapadiya),
Jt. Civil Judge Junior Division,
Rahuri.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original judgment.

- (a) Name of the Stenographer : Sou. J. N. Gali (Steno L.G)
- (b) Court : Jt. CJJD & JMFC, Rahuri.
- (c) Date of Judgment/Order : 16/01/2024
- (d) Judgment/Order signed by : 16/01/2024
P.O on
- (e) Judgment/Order uploaded : 16/01/2024
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