

MHAH180011822020

R.C.S.No. 447/2020



Ekhnath Late
Vs.
Jagnnath Late & Ors.

ORDER BELOW EXHIBIT-26

1. This is an application filed by the defendant no. 2 to 4 to set aside no cross order passed against them on Exh.21 dated 24.11.2023.
2. The defendant 2 to 4 contended that, they could not cross-examine the plaintiff due to unavailability of some information and their advocate was engaged in another Court. Hence, they prayed to set aside- no-cross order against them at Exh.21 dated 24.11.2023.
3. Learned advocate for the plaintiff filed his say on the application itself. He strongly opposed the application and prayed to allow the application with cost.
4. It is well settled that opportunity of natural justice should be given to everyone. It is also well settled that no one should be condemned unheard. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the present matter, it is necessary to set aside no-cross order passed below Exh.21 dated 24.11.2023. It is, therefore, necessary in the interest of justice to allow the application. However, due to negligent of the defendant, the matter get prolonged. Therefore, the

defendant no.2 to 4 deserved to be saddled with cost.
Resultantly, I pass the following order.

ORDER

- 1 . The application is allowed subject to cost of Rs.200/- to be paid by the defendant to the plaintiff.
2. No cross order passed against the defendant no.2 to 4 below Exh.21 dated 24.11.2023 is set aside after payment of costs as aforesaid.
3. The defendant no.2 to 4 are directed to cross-examine the plaintiff by next date, failing which, the present application shall be deemed to be rejected.

Date: 16.03.2023

Place: Rahuri

(Mayursingh D. Gautam)
2nd Jt. Civil Judge (J.D.),
Rahuri.