

MHAH180013712008



R.C.S.No. 501/2008

Dada Tore

Vs.

Devubai Tore & Ors.

ORDER BELOW EXHIBIT-69

This is an application filed by defendant no.5 to set aside “no cross-examination order” passed against her on Exh.62 dated 18/07/2024.

2. Defendant no. 5 contended that she could not cross-examine the plaintiff due to the unavailability of certain documents and information. Hence, she prayed to set aside no cross-examination order against her at Exh.62 dated 18/07/2024.

3. The learned advocate for the plaintiff filed his say on the back-leaf of the application. He strongly opposed the application and prayed to reject it.

4. It is well settled that the 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-examination order passed below Exh.62 dated 18/07/2024. It is, therefore, necessary in the interest of justice to allow the application. However, due to the negligent of the

defendant, the matter got prolonged. Therefore, the defendant deserved to be saddled with the cost. Resultantly, I pass the following order.

ORDER

1. The application is allowed subject to cost of Rs.1,000/- to be paid by the defendant no.5 to the plaintiff by depositing the payment of the costs in the Court.
2. No cross order passed against the defendant no.5 below Exh.62 dated 18/07/2024 is set aside after payment of costs as aforesaid.

Date: 15/10/2024

Place: Rahuri

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