

ORDER BELOW EXH.32 IN Cri.M.A.NO.84/2021
(CNR : MHAH1900 0802 2021)

01. Non applicant has filed this application to set aside no cross order passed on 21/12/2022 and sought permission to cross-examine applicant. Application is supported with affidavit. applicant strongly resisted the application.

02. Heard. Perused record.

03. The present application is filed under Section 125 of Cr.P.C. for maintainance. It is necessary to allow both the parties to put up there case as per principle of natural justice. In above facts the matter required to be decided on merit and cross-examination of witness is required to arrive at just decision. Hence, only for aforesaid reasons application is justified but obviously on costs. Hence, the order :-

ORDER

- (1) No cross order dtd.21/12/2022 is set aside on costs of Rs.500/- payable by the non applicant to the applicant on depositing cost non applicant is permitted to cross-examine applicant.
- (2) On failure to pay costs, matter shall proceed on next stage.

Place : Shevgaon
Date : 24/02/2023

(V.B.Dombe)
Jt. Civil Judge, Jr. Div.,
Shevgaon.

ORDER BELOW EXH.56 IN R.C.S.NO.314/2015
(CNR : MHAH190012812015)

01. Defendant filed this application for permitting him to lead evidence thereby sought to set aside order below Exh.01 on 02.01.2019 by which defendants evidence side was closed.

02. Plaintiff resisted the application by filing say at Exh.58.

03. Heard. Perused record.

04. The suit is for specific performance of agreement thereby plaintiff sought to get sale-deed executed from defendant. The present application filed supporting with affidavit. Defendant contended that he had under treatment of bypass surgery. The copy of examination in chief is also annexed with this application. In above facts and circumstances, to arrive at just decision, defendant is required to examine and testify on oath. Hence, defendant is required to lead evidence. Therefore, for aforesaid reasons, I pass the following order :-

ORDER

- (01) Defendant is permitted to examine himself on which copy of affidavit of chief is filed with this application and no other on cost of Rs.300/- payable to the plaintiff.
- (02) Application is disposed of according.

Place : Shevgaon
Date : 18/09/2019

(Shrikant Ade)
Jt. Civil Judge, Jr. Div.,
Shevgaon.