



ORDER BELOW EXH.19 IN RCS NO.263/2023

(CNR : MHAH2500 0820 2023)

Through this application, the defendant No.1 is seeking to set aside 'No Cross' order passed against defendants vide Exh.15 dated 08.04.2024. Perused the application and say filed thereon.

2. According to present defendants, the cost of Rs.200/- is imposed on them for filing their written statement. But during that period, they are ill and therefore, not appeared in the Court. Consequently, No Cross order has been passed against them. They further submitted that if they are not allowed to take the cross of plaintiff, it would cause irreparable loss to them. Therefore, they prayed for setting aside the 'No cross' order passed against them.

3. On the other hand, plaintiffs resisted the application contending that he has urgency of hearing of injunction application and defendants have deliberately prolonging the matter. Therefore, plaintiff prayed to reject the application.

4. Perused the record. It appears that the plaintiff has filed the affidavit in lieu of examination in chief on 11.12.2023, but, due to failure of defendants to take cross of plaintiff, 'NO Cross' order passed against them on 08.04.2024. But, considering the nature of the suit, in order to decide the suit on merit, opportunity needs to be given to the present defendants to defend the plaintiff's claim. But, some cost needs to be imposed on present defendants for prolonging the proceeding. Hence, in the interest of justice, following order is

passed.

ORDER

1. Application is allowed subject to cost of Rs.200/- (Rs. Two Hundred Only).
2. 'NO Cross' order dated 08.04.2024 passed against the defendants is set aside on payment of cost.

Date : 26.08.2024

(S. C. Salvi)
Jt. Civil Judge Junior Division,
Parner.