

MHAH250020972023



Cri. M.A..No.229/2023
Reshma Jadhav & Ars.
Vs.
Rajendra Jadhav & Ors.

Order below Exh.23

By this application the non-applicants have prayed for setting aside no cross order passed against them.

2 It has been contended on behalf of Non applicants that, due to illness of the non-applicant No.1 the non-applicants could not cross-examine the applicant. Interest of the non-applicants is involved in the present case. Thus, they prayed to set aside no cross order passed against them. Applicant has resisted the application by filling her say. She contended that, sufficient time is provided to non applicant for cross-examination. However, the non-applicants did not remain present before the Court with intent to cause delay in proceedings. Therefore, she prayed to reject the application with costs.

3 Applicant has filed an affidavit of examination-in-chief on 11/07/2025. Despite sufficient opportunity non applicants failed to cross-examine, hence no cross order was passed and matter is posted for further evidence. The reason mentioned by the non applicant is not convincing. However in order to decide the rights of the parties conclusively, cross-examination is imperative. It would be appropriate to decide the matter on merit by providing opportunity of cross-examination. Delay can be compensated by

awarding costs. Hence I pass the following order.

O R D E R

- 1 The application is allowed.
- 2 No cross order is set aside subject to Cost of Rs.500/- payable to the applicant on or before next date.

Date : 12/06/2026

(S.R.Kanakdande)
Judicial Magistrate First Class,
Court No.3, Parner.