

**ORDER BELOW EXH.31**

(Passed on 21<sup>st</sup> day of March, 2025)

This is an application filed by the defendant no.2 for getting permission to conduct the cross-examination of plaintiff by setting aside the no cross order dated 08.11.2024 passed below Exh. 15.

2] In the application it is contended by the defendant no.2 that, at the relevant time of cross-examination the ld. Advocate of the defendant could not get the proper information from his client due to unavoidable circumstance. So on fixed date he could not conduct the cross-examination of the plaintiff and consequently no cross order is passed against him. But, in the interest of justice said order be set aside and the defendant no.2 be allowed to conduct the cross-examination of the plaintiff i.e. PW-1.

3] The plaintiff has filed her say on the overleaf of this application. In her say he has contended that sufficient opportunities are already granted for conducting the cross-examination of plaintiff. Though cross-examination is avoided deliberately. The reason mentioned in the this application is not proper. Therefore, this application be rejected with costs.

4] Considering overall record, nature of this suit and submissions of learned Advocates of both parties it appears that this is suit for partition and separate possession. Considering the

nature of the suit sufficient opportunity for conducting cross-examination of the plaintiff needs to be granted to the defendant no.2. The reason given by the defendant no.2 appears to be satisfactory reason for allowing this application. Hence, I pass the following order.

**ORDER**

- 1) Application Exh.31 is hereby allowed as sought. The order dated 08.11.2024 passed below Exh. 15 is hereby set aside and the defendant no.2 is hereby allowed to conduct the cross-examination of PW-1 subject to condition that defendant no. 2 shall pay the costs of Rs. 500/- to the plaintiff.
- 2) Costs in main cause.

Date : 21/03/2025.

**( Mahesh S. Kale )**  
Civil Judge (Sr.Dn.),  
Akot.