

Order Below Exh. 58 in RCS no. 56 of 2011
(CNR No. MHAK070005892011)

The Defendant has sought set aside of No Cross examination order passed below the evidence(Exh. 23) on 12.01.2023. It is claimed that his Ld. Counsel was out of station on last date and has prayed for another opportunity.

2. The application is strongly resisted by the plaintiffs on the ground that sufficient time and opportunity was available to the defendant who has filed to utilise the same.

3. Perused application and the record. Heard both the sides.

4. Undoubtedly, sufficient time and opportunity was available to the defendant to cross-examine in which he has failed. However, that alone cannot be the sole ground to refuse further opportunity of cross-examination. Such opportunity is essential for ensuring decision on merits and fair trial. Refusing such opportunity would lead to multiplicity of litigations. Inconvenience of plaintiff can be compensated in costs. Hence, the order :

ORDER

1. Application (Exh. 58) is allowed.
2. The No Cross-Examination Order dt. 12.01.2023 passed below plaintiff's evidence (Exh. 23) stands set aside subject to payment of costs of Rs. 500/-.
3. The costs shall be paid/deposited on or before next date.
4. The Suit is more than 10 years old. Hence, parties to conduct the suit on Top Priority.

(Typed and Pronounced in open Court)

Date : 16/02/2023.

(Nitin C. Pawar)
Civil Judge Junior Division,
Balapur.

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original order.

Name of the Court	:-	Civil Judge, J.D. & J.M.F.C., Balapur
Name of the Stenographer	:-	Shaikh Rafique Shaikh Rasheed
Date of Decision	:-	16/02/2023
Order signed by P.O on	:-	16/02/2023
Order uploaded on	:-	16/02/2023