

MHAU040001122018



M.A.C.P. No. 4/2018

**Chhaya Sanjay Jagtap & Five others Vs. Dr.Trimbak Shankar Kokate
and two others**

Order below Exh.49

(Date : 05.01.2026)

1. Respondent no.2 has moved this application for setting aside no cross-order dated 15.11.2025 on the ground that on the said day the respondent no.2 was present in first sessions however in second sessions he was called out but he could not appear before the court therefore no-cross order came to be passed against him. Hence, the respondent no.2 prayed to set aside the no-cross order against him.
2. The learned counsel for claimant strongly resisted the application and prayed to reject the application with cost.
3. Having heard submissions. Admittedly the ground raised for setting aside no cross-order is on the count that in the second sessions the learned counsel could not appear but she was present in the first sessions. Thus, the ground are bonafide but not intentional. However at the same time it has caused delay in the trial of the case. Hence in order to give fair chance to respondent no.2 for conducting case the application is allowed subject to condition that the cross should be conducted positively on next day, failure to result in cancellation of order.

Date : 05.01.2026

(Smt. S. K. Upadhyay)
Member- MACT
Vaijapur, District Aurangabad.

