

MHAU040001122018



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

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

Order below Exh.50

(Date : 05.01.2026)

1. Respondent no.3 has moved this application for setting aside no cross-order dated 15.11.2025 on the ground that claimant has filed his evidence affidavit on 06.04.2024 and matter was kept for cross-examination of claimant. This court has given ample opportunities to claimant but she was not present for cross-examination therefore this court passed order and kept the matter for dismissal order on 19.07.2025. Thereafter the learned counsel for respondent no.3 was busy in conducting evidence matter at Aurangabad therefore he could not attend the court to cross-examine the respondent. Hence, the respondent no.3 prayed to set aside the no-cross order against him.

2. The learned counsel for claimant strongly resisted the application and submitted that the grounds raised by respondent no.3 are not sustainable 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 the case was fixed for dismissal order and the claimant remained absent when she was twice called by the

court but later on she appeared however the respondent was absent. Therefore no cross-order came to be passed. 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.3 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.