

**ORDER BELOW EXH.102 IN R.C.S.No. 33/2012**

(CNR No. : MHAU05-000409-2012)

Present application is filed by the defendant no.2 for setting aside no cross-order dated 21.09.2019 and recall the witness. Since 19.10.2019 the counsel for plaintiff remain absent and failed to file the say on the application. Today also plaintiff no.2 personally appeared before the Court and moved an adjournment application. Heard learned counsel for defendant no.2. He submitted that, as defendant was not contact with the counsel on 21.09.2019 he couldnot cross examine the witness. Now he is ready to cross examine the witness. So one opportunity be granted to him for cross examination by setting aside order.

2. Record shows that, on 21.09.2019 examination in chief of plaintiff Latabai recorded and no cross order passed on the same day against the defendants. On the very next date defendant no.2 moved the present application for setting aside order dated 21.09.2019. On that day and thereafter 03.11.2019,13.12.2019 and today also counsel for plaintiff remained absent and plaintiff failed to lead further evidence. Therefore, still the case is pending for evidence of plaintiff. Hence in this situation, if order dated 21.09.2019 is set aside and opportunity was granted to the defendant no.2 for cross examination no prejudice was caused to the plaintiff. Moreover, it will be helpful to decide the case on merits.

**ORDER**

1. Applications (Exh.102) is allowed.
2. Order dated 21.09.2019 is hereby set aside and both parties and their respective counsels are directed to lead the evidence on the next date.

Date : 18.01.2020.

**(V.R. Jambhule)**  
Civil Judge (S.D.),  
Vaijapur.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file of Judgment / Order is same word to word as per the original Judgment / Order.

Name of Stenographer	:	Sachin V. Kondekar Stenographer (Grade – 2)
Court	:	Smt. V.R. Jambhule Civil Judge (S.D.), Vaijapur.
Date	:	18.01.2020
Judgment / Order signed by the presiding officer on	:	18.01.2020
Judgment uploaded on	:	18.01.2020