

MHAU070019522013



Order passed below Exh. 46 in R.C.S. No. 338/2013
Nasibabi Pathan Vs Yusufkhan Pathan

01. Defendant has filed this application for setting aside 'No Cross-Examination Order'. He submits that when matter was called out, he was busy in attending hearing of matter in joint Court and therefore could not remain present for conducting cross-examination and therefore Court has passed "No Cross-examination Order". Today he is present and is ready to conduct cross-examination. Hence, he prayed to allow the application.

02. Plaintiffs filed their say and submitted that reason shown is not tenable and hence application be rejected.

03. Heard learned Advocate Shri. A. B. Kulkarni for the defendant and learned Advocate Shri. A. S. Shaikh for the plaintiffs.

04. It is a matter of record that issues were framed on 02.12.2016 below Exh. 36. Thereafter, plaintiff No. 2 filed her affidavit of examination-in-chief on 25.01.2017 below Exh. 37. Thereafter, suit was adjourned from time to time and on 07.06.2018 "No Cross-examination Order" was passed against defendant. On the same day, defendant moved an application for setting aside said order. Considering that suit is for administration of estate i.e.

partition and separate possession in respect of immovable property and to decide suit on merit, defendant is required to be allowed to cross-examine the plaintiffs. Hence, I am inclined to allow the application and pass the following order.

ORDER

- 1) Application is allowed.
- 2) 'No Cross-Examination Order' passed below Exh. 37 is hereby set aside and defendant is allowed to cross-examine the plaintiffs.

Date :- 14th August, 2018.

Sd/-
(Ajay A. Bhatewara)
Civil Judge (Junior Division),
Gangapur

CERTIFICATE

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

Name of the Stenographer	:	Akshay R. Kulkarni.
Court	:	Civil Judge (J.D.), Gangapur.
Order Date	:	14.08.2018.
Order signed by the Presiding Officer on	:	14.08.2018.
Order uploaded on	:	14.08.2018.