

MHAU070021192025



ORDER BELOW EXH.63 IN RCS No.378/2025

Present application is filed by the defendant No.1 to set aside no cross order dtd.28/06/2024.

02. It has contended that, the defendant is Government under taking company. The defendant No.1 is not liable to pay any kind of compensation to plaintiff, but without any cause defendant No.1 is made party to the suit. Due to the transfer of matter no proper instruction sought from the defendant, by which Ld. Advocate failed to conduct cross-examination. If application allowed and opportunity of cross-examination granted no loss will cause to the plaintiff. Whereas, factual aspects of the suit will clarify from the cross-examination. Opportunity needs to be granted in the interest of justice. Hence, prayed to allow this application.

03. Ld. Advocate for plaintiff filed say and raised strong objection to allow this application. It has submitted that, defendant is having habit of disobey the order of the Court. Herein before also opportunities were granted to defendant No.1, but defendant No.1 has not conducted cross-examination. On 22/09/2022 this Court has set aside evidence close order. Thereafter, on 28/06/2024 and 01/02/2025 orders are passed against defendant No.1. It shows that, defendant is having interest to prolong the matter. Hence, prayed to reject the application.

04. Perused application and say. The proceeding is adjourned for final argument as defendants are inactive. From the record it found that, number of time opportunity is granted to the defendant but defendant has not avail the opportunity to conduct the cross-examination. Considering the

prayer and say in the interest of justice by imposing reasonable costs last chance can be granted. If defendant failed to obey the order, the Court will proceed further. Hence, in the interest of justice last chance can be granted. Therefore, following order:-

ORDER

1.	Application is allowed.
2.	No cross order is set aside subject to costs of Rs.3000/- payable to plaintiff.
3.	Defendant is directed to conduct cross-examination on next date by paying costs without fail.
4.	No adjournment will be granted.

Date:- 07/03/2026

(Nilesh R. Indalkar)
Civil Judge Sr. Division
Gangapur