

ORDER BELOW EXH.69 IN RCS No.460/2012
(Sumitra & Ors Vs. Haridas & Ors.)

1. Read the application and say.
2. Perused the record and proceedings.
3. Heard the Ld. Advocates for both the parties.
4. By this application, the defendant no.1 prayed to set aside the order of 'No cross' order dated 20.08.2024 passed against him. Defendant no.1 submitted that as the learned advocate on behalf of defendant was not feeling well, he could not attend the court and therefore cross cannot be conducted. The reason mentioned in the application is not reasonable. The application is supported with affidavit. However, in the suit the valuable right as to immovable property are involved. If the present application is rejected, then possibility of multiplicity of the proceeding cannot be ruled out. Moreover, it is always desirable to decide the matter on merit after giving every opportunity to both the sides. If the present application is allowed, then no prejudice would be caused to the present plaintiffs. However, for delay he is liable to compensate the plaintiffs. Under such set of circumstances, it is just and proper to allow the present application with cost. Hence, I pass the following order -

ORDER

1. The application is allowed.
2. The order of 'No cross' against defendant no.1 is set aside subject to costs of Rs.200/- (Rupees Two Hundred only) to be paid to other side.
3. The order to be complied on or before next date otherwise it will be automatically stand vacated.

Date : 12.11.2024

(S. S. Agrawal)
Civil Judge Junior Division.
Gangapur, Dist.Aurangabad

CERTIFICATE

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

Name of the Stenographer	Kailas S. Rasve
Name of the Court	S.S.Agrawal, Civil Judge Jr. Dn. & J.M.F.C., Gangapur
Order signed by the P.O.on	12.11.2024
Order uploaded on	12.11.2024