

ORDER BELOW EXH. 40.

1. This is an application for setting aside No-Cross order against defendants dated 20/07/2023 below Exh.30.
2. Heard Learned Advocate S. L. Ghogare for Defendants and Adv. L. S. Deshpande for plaintiff. Perused record.
3. It appears that, Suit is filed for Perpetual Injunction in respect of Gat No. 493 Area 1 H 49 R. of Village Dhanora (B). Affidavit of evidence of PW1 Maruti is filed on 12/11/2019 at Exh. 30. Defendants have failed to Cross Examine PW1. They have mentioned reason of illness of Advocate and Covid-19 situation. On the contrary, plaintiff objected application on the ground of delay and reasons not satisfactory.
4. In my view, matter is in respect of immovable property. Valuable rights of parties are involved. Suit is of year 2015. Application Exh. 32 & 33 have same reason of illness of Advocate. Adv. Ghogare has filed V. P. On 26/09/2023 at Exh. 39. The evidence of defendants is necessary for adjudication on merit. So, reasons mentioned by the applicant are satisfactory. Considering nature of dispute and Covid-19 situation, delay can be compensated. So, this application is liable to be allowed on costs. Hence, following order is passed in the interest of justice.

:: ORDER ::

Application is allowed on cost of Rs. 300/- each be paid to Plaintiff and cost of ₹ 200/- each be paid to Government.

Date : 25-10-2023.

SD/-
(N. C. Borphalkar)
2nd Jt. Civil Judge (Jr. Dn.) Ambajogai.

:: Certificate of Stenographer ::

“I affirm that the contents of this PDF file are word to word as per original Order.”

Dictated On : 25/10/2023.

Transcribed On : 25/10/2023.

Checked & Signed On : 25/10/2023.

Date : 25/10/2023.

Place : Ambajogai.

Sd/-

(P. V. Gawali)

Jr. Clerk

2nd Jt. C.J.J.D. & J.M.F.C., Ambajogai.