

Civil M.A.NO.50 OF 2016

Ahamadkhan Vs. SK. Rajjak

ORDER BELOW EXH. 97

Defendant moved this application for setting aside no cross order passed below Exh.56. It is contention of the defendant that, in the morning session he was present before the Court. However, for submitting the amendment application he has go out of Court and for printing and typing of the application he had to go in the remote place on the Court. Therefore, he could not reached before Court for cross examination on time and no cross order was passed one hour prior to recess. In the afternoon session he was ready to conduct the cross-examination of plaintiff. He has prayed for setting aside no cross order considering facts and circumstances of the case. Despite of sufficient opportunity plaintiff has not submitted that say on application below Exh.97.

02. On perusal of record, it depicts that, the plaintiff instituted present suit for declaration and perpetual injunction. The application has been filed on the same date when no cross order has been passed. On the same day, defendant was ready to cross examine the plaintiff.

03. Therefore, one chance is required to be given to non-applicant to put their case by cross-examination of plaintiff. In this backdrop, I proceed to pass following order.

ORDER

- 1- The application is hereby allowed, subject to cost of Rs.50/- (Rs. Fifty Only).

2- Cost amount be paid to applicant on next date, without fail.

Date :- 30.10.2025

(Smt. M.V. Poul),
2nd Jt.Civil Judge, Jr. Div., Chikhali.