

MHCO120000132018



IN THE COURT OF HON'BLE JUDGE CO-OPERATIVE
COURT NO.2 PUNE AT. PUNE

Dispute No.10/2018

Shri. Vijay R. Shirode & Others

----- Disputants

V/s.

Yashraj Green Gastle Co-op. Housing Soc.

Ltd., & Others

----- Opponents

ORDER BELOW EXH.42

(Dictated and pronounced on 25/08/2023)

1] Exh-42 is the application filed by the opponent for setting aside no cross order dated 26/04/2022 passed against them, on the grounds more specifically mentioned in application. Mainly on the ground that, the previous Managing Committee has appointed the advocate for conducting the matter. The previous advocate has conducted the part cross. But previous advocate did not inform the opponent society about the statues of the matter. The opponent states that for negligence of the lawyer, party cannot be suffered. The said advocate withdraw his Vakalatnama on 17/11/2022. This court has granted the permission to withdrew of Vakalatnama on 17/11/2022, thereafter, opponent search advocate and appointed new advocate. It seems that this court was please to passed order of no cross on 26/04/2022. It will take some time to search the new advocate and passed the resolution and this new advocate appeared in the matter on 05/07/2023.

2] The opponent is diligent in the present matter. Only one adjournment was sought. There is just and sufficient reason to set a-side the no cross order. If the said order is not set a-side, then the opponent

would suffer irreparable loss which cannot be compensated in terms of money and the opponent would be deprived of contesting the dispute on merits. The disputant would not suffer any irreparable loss and the matter would be decided on merits.

3] Ld. Adv. For the disputant filed reply on this application and objected this application. On the grounds that, application is not maintainable, in spite of several opportunities opponent intentionally avoid to cross examine the witness, witness is attending the court regularly opponents are trying to prolong the adjudication of this dispute, since from last one and half year opponents failed to cross examine the witness. On these grounds disputant prays to reject the application.

4] Heard Ld. Adv. For disputant and opponent at length.

5] Today order passed on Exh-35 and 39 and the documents which relied upon by the disputant are exhibited and therefore in my view it is necessary to give one more chance to the opponent to cross examine the witness of the disputant for final adjudication of this dispute on merit. According I proceed to pass following order.

ORDER

1] Application Exh-42 is allowed.

2] No cross order passed against opponents dated 26/04/2022 is set aside with specific directions to the opponents to start the cross examination on next date.

3] No order as to cost.

Date:25/08/2023
Place: Pune .

(A.S.Wanve)
Judge,
Co-operative Court No.2,Pune