



IN THE COURT OF DISTRICT JUDGE -2, GONDIA.

MJC NO. 14/2021

(CNR NO.MHGO010003772021)

Sunita Gajbhiye vs Sachin and others.

ORDER BELOW EXH. 23

(Passed on this 14th day of August, 2026)

1. Perused application and say of applicant. Heard respective counsel for parties. Present application is filed by non-applicant No.1 to set-aside no cross order and no defence order dated 17-03-2026. It is contention of non-applicant No.1 that on 17-03-2026 it is informed to non-applicants that applicant would not attend as non-applicant No.1 has to focus on the on going examination of their daughter. Consequently, he did not appear. On that date his counsel could not attend court as he has not called his counsel. In above facts non-applicant No.1 prayed to set-aside both orders.

2. Applicant opposed application by filing say through her advocate on overleaf of present application and submits that previously also no cross order was passed and it was set-aside but non-applicant No.1 failed to cross examine applicant. Non-applicant No.1 is applying delay tactics. Therefore, requested to reject application.

3. After going through roznama it is clear that previously

no cross order was set-aside subject to payment of costs and applicant has received costs on 05-01-2024. But inadvertently matter was posted for defence evidence instead of cross-examination of applicant. On most of the dates applicant failed to remain present. So delay cannot be attributed to non-applicant No.1. In the facts of matter, fair trial and for substantial justice I am inclined to set-aside both orders by imposing certain cost upon non-applicant. Hence, this order:

ORDER

1. Application is allowed subject to payment of cost of **Rs.500/- (Rupees Five Hundred Only)** to applicant by next date.
2. Upon payment of cost applicant to make herself available for cross-examination and thereafter non-applicants are permitted to adduce their evidence.
3. Accordingly, application stands disposed of.

Gondia.
Dated: 14-082026

(M. T. Asim)
District Judge-2, **Gondia.**