

MHGO060005762021



**Order passed below Exh.50**

Perused the application and say filed on it. The defendants have filed the present application for setting aside no cross order passed against them at Exh. 27.

2. The plaintiff opposed the application on the ground that the reason mentioned in the application is not sufficient reason to set aside no cross order and defendants deliberately filed adjournment application in every date. Therefore, prayed to the Hon'ble Court to reject the application with cost.

3. The matter is of the year 2021. Perused the record. It is seen that defendants failed to cross-examine witness No. 1 of plaintiff after giving sufficient opportunity and hence, no cross order passed against them on 04.12.2023. And now defendants filed the application for setting aside no cross order against them.

4. I have perused the entire proceedings. On perusal of the proceedings it is seen that defendants were not due diligent in conducting the case. However, still to decide the case on merit an opportunity to cross-examine the witness needs to be given to the defendants. But, the negligent on the part of the defendants cannot be overlooked. Hence, the application deserves to be allowed by imposing the costs on the defendants. Therefore, I pass

the following order.

**ORDER**

Application is allowed subject to payment of costs of Rs. 200/- by the defendants to the plaintiff.

Sd/-

**(Smt. N.V. Sahu)**  
Civil Judge, Jr. Dn.,  
Arjuni/Morgaon.

Date : 16/12/2023