

Order below Exh. 26 in MJC No. 26/2018

1] This is “ No Cross set aside” application made by non-applicant no. 5.

2] Read the application and say thereon. Heard Ld. Advocate Shri. T. D. Kapgate for non-applicant no. 5 and heard Ld. Advocate Shri. R. C. Hirkane for the applicant. Perused all the documents. Ld.Counsel of the non-applicant no. 5 submitted that, there was order of Hon’ble District Court that non-applicant will not enter into Gondia District. As well learned advocate of the non-applicant was also having unavoidable situation. Therefore, he could not cross-examine witness of the applicant dated 17.07.2019. Hence, prayed to allow the application. Per contra, Ld. Counsel of the applicant submitted that non-applicant deliberately avoided to cross-examine applicant. Hence, prayed to reject the application with cost of Rs. 1000/-.

3] Matter is listed for evidence. No Cross Order came to be passed below Exh.23 Dtd. 17/07/2019.

4] Reasons given by the counsel of the non-applicant no. 5 is that due to health problem, there was order of Hon’ble District Court that non-applicant will not enter into Gondia District. As well learned advocate of the non-applicant was also having unavoidable situation. No Cross Order came to be passed below Exh.23 Dtd. 17/07/2019. The Court has wide power to 'make such order in relation to the suit as it thinks fit'. In order to hear the matter on merit and to give opportunity to the other side to present their case, this application needs to be allowed. Non-applicant no. 5 would resultantly be entitled to cross examine the witness of the applicant. On 15/09/2021 the present application is filed for setting aside no cross order. Considering the

delay and reason assigned for the present application this application is allowed on cost of Rs.200/- Considering this, I pass the following order.

Order

- 1] Application is allowed subject to cost of Rs.200/-to be paid to applicant.
- 2] After payment of cost “No Cross” order passed against non-applicants be set aside.

Dt.22/12/2021

(P. S. Sonkamble)
Civil Judge (J.D.), Arjuni/Morgaon

CERTIFICATE

This is to certify that, the contents of this uploaded order are same and correct as per the original order, signed by the Presiding Officer.

Date of judgment/order	:	22/12/2021
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