

MHGO060009062017



**Order passed below Exh.38**

Perused the application and say filed on it. The plaintiff has filed the present application for setting aside no cross order passed against him on 24.09.2025 at Exh. 31.

2. The learned advocate for the defendant strongly opposed the application and prayed to reject the application with cost.

3. The matter is of the year 2017. Perused the record. It is seen that plaintiff failed to cross-examine the defendant after giving sufficient opportunity and hence, no cross order passed against him. And now the plaintiff filed the application for setting aside no cross order against him.

4. I have perused the entire proceedings. On perusal of the proceedings it is seen that plaintiff was 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 plaintiff. But, the negligent on the part of the plaintiff cannot be overlooked. Hence, the application deserves to be allowed by imposing the costs on the plaintiff. Therefore, I pass the following order.

R.C.S. No.46 of 2017  
Vinayak Vs. Hemraj

**ORDER**

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

Date : 11/02/2026

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