

MHGO070004062020



Regular Civil Suit No.26/2020
Gopichand-Vs-Vimal

Order below Exh.28

1. Read the application and say. Heard Advocate for both parties.
2. It is the contention of defendant that on 17/04/2023 no cross examination order of plaintiff passed by the Court. The learned advocate for defendant was out of station on 17/4/2023. Hence, he could not cross-examine the plaintiff. Therefore, he prayed for setting aside no cross examination order passed 17/04/2023.
3. The Learned advocate for plaintiff has filed his say on the said application contending that learned advocate for defendant deliberately prolong the matter. Hence, heavy cost be imposed on the defendant.
3. It is pertinent to note here that the evidence affidavit of witness no. 1 of plaintiff filed on 22/08/2022. Further Chief examination of witness completed on 7/9/2022. Thereafter, the learned advocate for defendant since 11/10/2022 has sought adjournments till 17/04/2023. Thereafter, no cross order passed on 17/04/2023. In the interest of justice defendant is to be permitted to cross-examine PW-1. No in-justice will be caused to the plaintiff if the

application is allowed. However, the rights of plaintiff will be safeguarded by allowing the application with cost.

4. To avoid the multiplicity of proceeding and decide the matter completely and finally with full adjudication on merits the application deserves to be granted. Hence following order.

Order

- 1) The application is allowed
- 2) No cross-examination order passed on 17-04-2023 is hereby set aside subject to cost of Rs. 500/-.
- 3) The defendant is directed to cross-examine the PW-1 on next date positively.

Date : 11-07-2023

(Smt. S.V. Charde)
Civil Judge, Junior Division,

Deori

