

Spl.C.S. No.03/2020
Kantabai & ors. Vs. State & ors.

ORDER BELOW EXH.42

Defendant No.1 to 4 moved present application and prayed for setting aside no cross order dated 04.10.2023. Plaintiffs filed say and strongly objected the present application. They submits that the present application came to be moved after long span and suit being for compensation needs to be decided as early as possible. Therefore, they prayed for rejection of present application.

2. Perused record. Heard both sides. It reveals that present suit came to be filed in the year 2020 for compensation by the legal heirs of deceased Dnyaneshwar Dadarao Lakkas. Initially the plaintiff No.1 lead her evidence and no cross order came to be passed against all defendants on 16.02.2023. Subsequently, the matter has been posted for final argument. However, during hearing it reveals that plaintiffs had mentioned wrong name of deceased in affidavit of evidence. Therefore, plaintiffs applied for leading fresh evidence. Accordingly, plaintiffs have been allowed to lead fresh evidence by discarding earlier evidence of plaintiffs. As a result, the plaintiff No.1 filed her fresh evidence on 04.10.2023 and again defendants were absent. Therefore, no cross order came to be passed against them. All defendants are Government Officers. Therefore, considering reason mentioned in application and to decide the matter on merit, it is necessary to allow the defendants to participate in the trial. Hence, following order.

ORDER

1. The application (Exh.42) is allowed.
2. No cross order dated 04.10.2023 is hereby set aside.

3. The plaintiff No.1 to remain present on next date positively for cross-examination.

Date.15.02.2024.

Sd/-
(Dr. V. G. Karmore)
3rd Jt. Civil Judge S.D.
Jalna.