

Spl.C.S. No.86/2012
Ramnivas Vs. Pushpadevi & ors.

ORDER BELOW EXH.168

The defendant No.10, 18, 26 to 29 moved present application and prayed for setting aside no cross order dated 10.01.2025. They submitted that defendants had been to Prayagraj, therefore, could not cross-examined the plaintiff. Resultantly no cross order came to be passed. The act of defendants is not intentional, therefore, they prayed for allowing present application.

2. On the other hand, the plaintiff filed say and strongly objection present application and prayed for rejection of present application.

3. Perused record. Heard both sides. It reveals that on 10.01.2025, other defendants have cross-examined the plaintiff, but present defendant No.10, 18, 26 to 29 and their advocate were absent. Therefore, on 10.01.2025 no cross order has been passed.

4. Considering the nature of suit as well as the reason mention in the application and to decide the matter on merit, chance needs to be given to cross-examine the plaintiff's witnesses. At the same time the cost needs to be imposed. Hence, following order.

ORDER

1. The application (Exh.168) is allowed subject to cost Rs.300/-.
2. No cross order dated 10.01.2025 passed against defendant No. 10, 18, 26 to 29 is hereby set aside on payment of cost.
3. The defendants are permitted to file WS and to cross-examine the plaintiff's witnesses on next date positively.

Date.25.03.2025.

(Dr. Vikas G. Karmore)
4th Jt. Civil Judge Sr. Dn.
Jalna.