

ORDER PASSED BELOW EXH. 20

Perused the application and say filed on it. The defendants have filed the present application for setting aside no cross order against them.

2. The plaintiff opposed the application on the ground that the application does not show the cogent reason for the non examination of the witnesses despite of giving several chances by the court and therefore, prayed to the Hon'ble Court to reject the application with heavy cost.

3. The matter is of the year 2020. The plaintiff examined only one witness in support of her case. The defendants failed to cross examined the plaintiff's witness, hence no cross order passed against them. And now the defendants filed the application for setting aside no cross order against them.

4. I have perused the entire proceedings. On perusal of the proceedings it is seen that defendants were not due diligent in conducting the case. However, still to decide the case on merit an opportunity to cross examine said witness needs to be given to the defendants. But, the negligent on the part of the defendants cannot be overlooked. Hence, the application deserves to be allowed by imposing the costs on the defendants. Therefore, I pass the following order.

ORDER

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

(Smt. N.V. Sahu)
Jt. Civil Judge, Jr. Dn.,
Ghansawangi.

Date : 06/02/2023