

Order passed below Esth-83 in RCS NO-113/2012

This is an application filed by defⁿ for setting aside no cross order passed on 17.4.2023 against him. Defⁿ contended that, due to illness defⁿ was absent on 17.4.2023 and could not contact with his Adv. Hence prayed for setting aside no cross order passed against him.

2. Led Adv for p^lt filed his say below the application and contended that, defⁿ has filed the application only to prolong the matter, hence prayed for rejection with cost.

3. Heard both sides, perused record before me. It appears that the p^lt has filed his evidence affidavit below Esth-76 dated 23.1.23, and due to failure of cross examination of witness no cross order is passed on 17.4.23. The application for setting aside no cross order is filed on 30.8.23, when the matter is passed for evidence of defendant. Matter is 10% old and pending for evidence of defⁿs. The application is not supported by any documents, hence Eason's principle is not applicable. There is delay to file present application, but considering the rule 'Hear both sides' the application deserves to be allowed.

Application is granted on cost of Rs 500/- to be paid on or before next date, or matter ^{will} again kept for review 24

M. Bal.
9.1.24