

MHKO050003472013



ORDER BELOW EXH. 141 IN SPL.CIVIL SUIT NO. 5/2013

1. This is an application filed for setting aside 'No cross-examination' order passed against Defendant no. 1, 3 and 5.
2. It is the contention of these Defendants that they are ready to conduct cross-examination of the Plaintiff witness. They have not deliberately avoided to conduct cross-examination. Therefore, no cross-examination order passed against them is requested to be set aside.
3. On the present application, say of other side is sought. In the say, it is submitted that the reasons mentioned in the application are totally false. The witness was present since 11.00 a.m. in the court. In such circumstances, the application if allowed, it be allowed subject appropriate costs amount.
4. Read the application. Also read the objection. Heard both the Learned Counsels for the respective parties. Taken into consideration backdrop facts of the matter, this Court do find it appropriate that considering the reasons and submissions, an opportunity to Defendant no. 1, 3 and 5 to conduct cross-examination should be given in order to do justice. However, considering the lackadaisical attitude of these Defendants, some amount of costs is required to be imposed upon them.

In such circumstances, this Court do find it appropriate to proceed to pass the following order -

ORDER

1. The application below Exh. 141 is allowed.
2. 'No cross' order against Defendant no. 1, 3 and 5 is set aside subject to costs of Rs. 150/- (Rs. One Hundred and Fifty only), costs be given to the Plaintiff.
3. Costs in cause.

Date : 17.10.2019

(S. A. Khalane)
Jt. Civil Judge Senior Division,
Ichalkaranji