


MHKO050003842018 	Regular Civil Suit No. 77/2018 <u>Order below Exh.34</u>	Geeta Alias Sangita Dhondiram Misal Vs. Dashrat Balu Bedage
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1. By way of instant application, defendant No.3 and 4 prayed to set aside the order of no cross examination and to permit them to conduct the cross examination of the P.W. No.1 plaintiff viz. Geeta Balu Bedage @ Shri. Dashrath Bale Bedage. It is contended that due to illness defendant No.3 admitted in the Swami Samarth Hospital, Ichalkaranji. Due to this it is not possible to defendant to meet his advocate and provide necessary information to their advocate. Therefore, cross examination of the PW No. 1 was not conducted and No cross order was passed against them on 12/10/2023. Now they want to cross examine the PW No.1. Hence, they requests to allow the application.

2. The application is opposed by the plaintiff on ground that, sufficient time has been granted by this court to the defendants have unnecessary extended matter and prolong the matter. Defendant No.3 has failed to file his medical certificate regarding his illness. The reason mentioned in application is not satisfactory. Thereafter, no cross order has been passed by this court. He prayed to reject the application.

3. Heard, Ld. Advocate for both sides.

4. I have gone through the application, say and record. It appears that on Exh.30 dt. 11.04.2023, PW No.1 has filed her evidence affidavit. On 12.10.2023 no cross order against the defendants was passed. Thereafter, on 18/12/2023 defendants have filed present application i.e. after two months. The reasons mentioned in application not satisfactory. It is duty of the party to pursue the record. However, in interest of natural justice and fair trial opportunity to cross examine the PW No.1 has to be given an opportunity. But, considering the negligence on the part of defendants, some cost has to be imposed upon them. Hence, I pass following order.

ORDER

1.	Application is allowed subject to cost Rs.200/- to be paid by defendants to the plaintiff on next date.
2.	No cross order of P.W.No. 1, dated 12.10.2023 is hereby set aside.

Ichalkaranji
Date- 16/06/2025

(D. B.Sathe)
2nd Joint Civil Judge Junior Division,
Ichalkaranji District Kolhapur.