

MHKO050006222020



Order below Exh. 39 in Special Civil Suit No. 23/2020
(Sujata Sevakari-Mali vs. Vimal Mali)

Defendant has filed application for setting aside no cross order.

2. Heard both sides. Perused the application and say.
3. It is submitted on behalf of defendant that, no cross order is passed against her. It may be set aside and defendant to allow the cross examine.
4. It is submitted on behalf of plaintiff that, present application is filed after lapse of 1 year. No any specific reason mentioned in the application. This application is filed only for prolong the matter. Therefore, application may be rejected with costs.
5. I have gone through the record. It appears that, plaintiff has filed affidavit of examination-in-chief on 12.9.2024 and no cross order is passed on 8.5.2025. It appears that, on 14.11.2024 defendant has received copy of affidavit of examination-in-chief. It appears that, present application is filed for setting aside no cross examination after 5 months of passing no cross order. After perusal of application there is no any specific reasons mentioned in the application. Considering

the submissions on behalf of the parties and facts of the case. In my opinion to decide the matter on merit, it will be proper to give opportunity to defendant. It appears that, due to the defendant there is in delay in matter. Therefore, it will be proper to compensate the plaintiff by imposing cost on defendant. Considering the facts and circumstances of the case in my opinion in the interest of justice, it will be proper to set aside no cross order. Hence, I pass following order.

ORDER

No cross order passed against defendant is set aside on payment of cost of Rs.1000/- (Rs. One thousand only) to the plaintiff.

Ichalkaranji.

Date : 27.10.2025.

(G. M. Nadaf)

Civil Judge Senior Division,
Ichalkaranji.