

MHKO050012332020



ORDER BELOW EXH. 16 IN SPECIAL CIVIL SUIT NO. 22/2020
(Ashok More V/s. Anjali Chavan & Ors.)

This is an application filed by the defendant seeking to set-aside 'No cross order' passed against her.

2. It is contention of defendant that, evidence affidavit is filed and matter was posted for cross examination on 20.02.2024. On the same day no cross order has been passed. Thereafter no any order has been passed by the court. However. On 23.06.2025 the plaintiff has filed evidence affidavit of witness no.2 and 23.07.2025 he has also filed evidence closed pursis. By supplying false information to the court, plaintiff has filed witness affidavit and pursis before the court. Hence, the application.

3. The plaintiff has filed evidence affidavit at Exh.12. The defendant has not cross examined witness. Therefore firstly no cross order passed by the court on 20.02.2024. Due to absence of defendant on 25.04.2025 again no cross order has been passed by the court. Now the matter is posted for evidence of the defendant. But he has filed present application which is not tenable in the eyes of law. Hence, he prayed to reject the application.

4. Heard both the sides. Perused the application and say.

5. The plaintiff has filed present suit for recovery of movable property and in the alternative for the recovery of money. The defnednat has already filed written statement at Exh.9. The record shows that, after passing no cross set-aside order the defendant has not cross

examined plaintiff witness till one year. Thereafter no cross order passed against him on 25.04.2025. In order to decide the matter on merit it is necessary to come on record the defence of the defendant. However, delay caused by the defendant to conduct the matter can not be ignored. Hence, I pass following order:-

ORDER

- 1) Application is allowed.
- 2) The defendant is directed to pay cost of Rs.1000/- (One thousand only) to the plaintiff.

Ichalkaranji.
Date :- 11.08.2025

(G. M. Nadaf)
Jt. Civil Judge, Sr.Dn., Ichalkaranji